Welcome by Director of Programmes

“...Providing a dynamic portfolio of excellent undergraduate, postgraduate and professional programmes which are innovative, highly respected and the best preparation for a future career in professional disciplines such as.... Law...”

BPP Mission statement

The GDL is an innovative programme designed to prepare you for the vocational stage of legal training and ultimately for practice as a solicitor or barrister.

Following successful completion of the GDL you will have acquired a sound foundation of legal knowledge along with the skills necessary to analyse legal problems and to formulate appropriate solutions. Throughout the GDL, the ‘black letter law’ will be put into a real world context, taking into account the commercial, ethical and social context in which practitioners must operate.

The GDL is delivered using a combination of face to face and online teaching. This will give you a great deal of flexibility in choosing how best to navigate your way through the programme, guided by us every step of the way.

You will also be able to complement your studies on the GDL with extra-curricular activities, ranging from the GDL Extra and Company law programmes to particular activities such as mooting, debating and pro bono work.

In summary, we have designed a distinctively, flexible, practical and relevant programme of legal education, in the broadest sense, to equip you for the next stage of legal training and beyond. We wish you the best of luck in your studies with us.

Julian Davies
Director of GDL Programmes
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</table>
1. CONTENT AND METHODOLOGY

1.1 What will I study on the GDL?

The GDL prepares you for the vocational stage of legal training by giving you a foundation of legal knowledge and developing the core cognitive, professional and general transferable skills necessary for practice.

The Programme is composed of nine modules, benchmarked against the National Framework for Higher Education Qualifications set by the Quality Assurance Agency for Higher Education.

The first, the induction module, is a short module on the English Legal System. This is pitched at Certificate level (the lowest level of undergraduate study).

The remaining eight modules are pitched at level 6 (the highest level of undergraduate study). In seven of these modules, you will receive extensive tuition in tutorials, lectures and seminars. The remaining eighth area of law is an independent study project, in a subject which falls outside the ‘Foundation’ modules (see below).

This section aims to provide you with general information about what and how you will be taught. A copy of the full Teaching and Learning Strategy for the programme can be found as Appendix I at the back of this Handbook.

1.2 The foundation modules

The GDL is regulated by the Bar Standards Board (BSB) and Solicitors Regulation Authority (SRA). The SRA and BSB lay down certain areas which must be covered in the programme known as the ‘Foundation’ modules. Although the terminology used for these areas differs between institutions, the content is broadly the same. At BPP, you will study the following:

- Constitutional and Administrative Law (including Human Rights)
- Law of the European Union
- Criminal Law
- Contract Law
- The Law of Tort
- Land Law
- Equity and Trusts

The Law of the European Union and Human Rights, in addition to being taught primarily in the above modules are also taught ‘pervasively’. This means that Human Rights or European Law issues will often fall to be considered in the other five foundation modules (as well as in the induction module and eighth area of law).
1.3 How will I study the foundation modules?

SEE DELIVERY FORMAT INFORMATION AT THE END OF THIS SECTION FOR IMPORTANT INFORMATION ABOUT WHICH FORMATS ARE DELIVERED LIVE AND/OR ONLINE AT EACH CENTRE

In the induction and foundation modules, you will be taught through a combination of lectures and tutorials / seminars.

**Online or Live Lectures** aim to give you an overview of the topic area, building upon your directed pre-reading to:

- Outline key principles, with reference to relevant cases and statutes.
- Highlight areas of controversy and debate.
- Put the law into a socio-economic, ethical and where relevant, international context.

**Important Notice:**

Lectures are delivered live and/or online depending at which BPP campus you attend for your GDL Programme and whether you start the programme in September 2016 or January 2017. Full details of live/online lecture availability can be found on the [www.bpp.com/law](http://www.bpp.com/law) website and are currently at this URL under the locations tab: [http://www.bpp.com/postgraduate-course-details/d/postgraduate/GDL/145](http://www.bpp.com/postgraduate-course-details/d/postgraduate/GDL/145).

**Tutorials** aim to develop your skills, in particular:

- your ability to apply the law to real-life situations you might face in practice;
- your ability to analyse cases and statutes and draw appropriate conclusions in the context of giving advice to clients;
- your ability to communicate your arguments both orally and in writing;
- your ability to work with your peers, both competitively and in teams;
- your ability to evaluate the strength and weakness of opposing arguments; and
- your ability to receive and act on feedback from tutors in class.

**Consolidation seminars**

In addition, you will have the opportunity to explore your knowledge in consolidation seminars, in which you can reflect on the topics covered in the previous week’s tutorial to clarify any remaining points of understanding or confusion. These seminars may be led by a different tutor and attended by different students to your standard tutorial, allowing you to further develop your skills as set out above in an unfamiliar, more challenging environment. The teaching may involve discussion of different problem questions, unseen questions, review of formative assessments and other material. Different formats of consolidation sessions are held at different BPP campuses. In some locations they take the form of live online classes rather than face to face classes.
1.4 Do I have to come into the Law School for classes?

**Lectures** are available online (via MP4 downloads) and/or live in the Lecture Theatre depending upon which BPP campus you are studying at. Not all BPP campuses have live lectures delivered.

**Tutorials** (including EU) are delivered online (where you interact with your peers and your tutor live in a virtual classroom) as well as in dedicated rooms at the Law School.

A key aim of the GDL at BPP is to provide consistent delivery across the different sites. This means that although the mode of delivery may sometimes differ in terms of live or online, the overall effect is to provide a seamless delivery programme so that students, no matter which campus or mode they choose to study on, are provided with the same information, the same opportunities to learn and the same programme outcomes.

1.5. DISTANCE LEARNING GDL

Students studying the Distance Learning GDL are studying exactly the same GDL as all other GDL students.

The Distance Learning GDL is fully integrated with our face-to-face programmes and distance learning students have the same opportunity to do well as all other students studying the GDL. The main difference is that distance learning students enter the classroom for tutorials through the door of their computer rather than a physical door at the Law School. While you may study the programme full-time or part-time, you study the same modules, to the same teaching schedule, sessions and structure, using the same virtual learning environment (VLE), texts and materials as students studying those modules on our full-time face-to-face programme. You are also assessed in those modules at the same time with the same assessments.

For those reasons, all the general information in this handbook about the GDL applies equally to Distance Learning GDL students.

**Full Time Student Delivery Formats – Live or Online 2016-2017**

**September 2016 start full time programme:**

<table>
<thead>
<tr>
<th>Tutorials</th>
<th>Lectures</th>
<th>Consolidation</th>
<th>Revision Lectures</th>
<th>Revision Seminars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birmingham</td>
<td>Live</td>
<td>Online</td>
<td>Online</td>
<td>Online</td>
</tr>
<tr>
<td>Bristol</td>
<td>Live</td>
<td>Online</td>
<td>Online</td>
<td>Online</td>
</tr>
<tr>
<td>Cambridge</td>
<td>Live</td>
<td>Online</td>
<td>Online</td>
<td>Online</td>
</tr>
<tr>
<td>Leeds</td>
<td>Live</td>
<td>Live</td>
<td>Live</td>
<td>Live</td>
</tr>
<tr>
<td>Liverpool</td>
<td>Live</td>
<td>Online</td>
<td>Online</td>
<td>Online</td>
</tr>
<tr>
<td>Location</td>
<td>Tutorials</td>
<td>Lectures</td>
<td>Consolidation</td>
<td>Revision Lectures</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------</td>
<td>----------</td>
<td>---------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Leeds</td>
<td>Live</td>
<td>Online</td>
<td>Online</td>
<td>Online</td>
</tr>
<tr>
<td>London</td>
<td>Live</td>
<td>Online</td>
<td>Live</td>
<td>Online</td>
</tr>
<tr>
<td>Manchester</td>
<td>Live</td>
<td>Online</td>
<td>Online</td>
<td>Online</td>
</tr>
<tr>
<td>Online / DL</td>
<td>Online</td>
<td>Online</td>
<td>Online</td>
<td>Online</td>
</tr>
</tbody>
</table>
2. ASSESSMENT

2.1 Overview

The course is mainly assessed via unseen, written examinations. Approximately three quarters of your final aggregate weighting is reserved for your performance in the end of year examinations. The remainder is split between written coursework and multiple choice testing. In addition, you must pass a multiple choice test in the English Legal System. This latter assessment is graded on a pass / fail basis and does not count towards your final aggregate. The pass mark for all assessments is 40%. For the overall rationale behind the assessment package, please consult the Assessment Strategy at Appendix II of this Handbook. There are many opportunities to receive feedback in regard to these assessments as outlined below.

2.2 What is the weighting of each assessment?

<table>
<thead>
<tr>
<th>Unit</th>
<th>Mode of assessment</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Law of Contract</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>2. Law of Tort</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>3. Constitutional &amp; Administrative Law</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>4. Criminal Law</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>5. Land Law</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>6. Equity &amp; Trusts</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>7. European Union Law</td>
<td>1.5 hour MCT exam</td>
<td>8%</td>
</tr>
<tr>
<td>8. English Legal System and Method</td>
<td>Statute analysis test</td>
<td>5%</td>
</tr>
<tr>
<td></td>
<td>Case analysis test</td>
<td>5%</td>
</tr>
<tr>
<td>9. Research</td>
<td>Independent</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td>Research Essay</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>100%</td>
</tr>
</tbody>
</table>

2.3 Do I have to pass every unit of assessment? And, if so, how many opportunities do I get to resit?

The general rule is that each unit of assessment must be passed. However, in certain circumstances, if a candidate fails one assessment only with a score between 35-40%, the Board of Examiners may, in the exercise of its discretion, decide to compensate that failure and award a Graduate Diploma in Law.

There are two resit opportunities in each unit of assessment save for the English Legal System Test (in which there is only one). However, you may have to wait until the following academic year in order to resit an assessment, depending upon the nature of the assessment failed and your mode of study.

The maximum mark that you can obtain on a resit is 40%. This means that even if you pass a resit obtaining an actual mark of say 70%, the formal mark will still be 40%. This
2.4 How does the grading system work?

**General outline**

<table>
<thead>
<tr>
<th>Award</th>
<th>Aggregate score generally required</th>
<th>Other points to note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distinction</td>
<td>70%+</td>
<td>A fail in any assessment precludes this award</td>
</tr>
<tr>
<td>Commendation</td>
<td>60%-69%</td>
<td>A fail in any assessment precludes this award</td>
</tr>
<tr>
<td>Pass GDL</td>
<td>40-59%</td>
<td>A fail in any one assessment with a score between 35-40% <strong>may</strong> be compensated by the Board of Examiners</td>
</tr>
</tbody>
</table>

2.5 What happens if I narrowly miss out on a Distinction or Commendation?

There are limited circumstances in which, despite having narrowly failed to achieve the threshold for these awards, if a candidate’s aggregate score is deemed to be marginally below that required, the Board of Examiners may nonetheless confer a Commendation or Distinction.

For details of the requirements here, please see the Examinations and Assessments Regulations set out at the back of this Handbook at Appendix III. Please note however that awards on this basis are relatively uncommon.

The prohibition on the award of a Distinction or Commendation if a candidate has failed any assessment is an SRA rule which the Board of Examiners has no authority to waive.

2.6 What happens if I am ill before or during an assessment?

BPP University operates a "fit to sit" policy. This means that, if you attend an assessment, you are deemed to be "fit to sit" that assessment and may not later submit an application for mitigating circumstances relating to impaired performance due to
illness (for example) or another mitigating factor that existed before the assessment started. You will need to sign an examination sheet before the assessment confirming that you are fit to sit.

However, if you are affected by unforeseen circumstances beyond your control during an assessment, then you may have grounds for an application for mitigating circumstances. For further information, please consult the Registry tab on the VLE under the tab labelled “When Things Go Wrong” or contact the Office of Regulation and Compliance (ORC) on orc@bpp.com.

If you are aware of circumstances which may impair your performance prior to an assessment, then you should consider making a deferral application. For further information, see the Registry tab on the VLE under labelled “When Things Go Wrong” or contact the ORC.

2.7 Distance Learning Students; Sitting Invigilated Assessments Overseas or at a Regional BPP Law School

Distance learning GDL students are expected (and enrolled) to take any invigilated assessments in London with London based face-to-face GDL students. However, you may request to sit these assessments overseas or at a regional law school. Most GDL assessments are invigilated, which means that they must be taken in controlled conditions with independent supervision of the assessment taking place.

You will generally be given permission to sit these assessments overseas, so long as you:

(1) satisfy the requirements of our Examinations Department, including venue approval (our Examinations Department would normally approve British Council venues or venues recommended by the British Council);
(2) the time difference is not so great that you cannot sit the assessments at the same time as they are being taken in the UK;
(3) you pay the costs charged by the overseas venue; and
(4) you submit a completed Overseas Examinations Request Form by the required deadline.

Sitting overseas or regionally is not guaranteed. Sitting overseas will not be approved unless the requirements are fully satisfied and sitting regionally depends on whether the assessments are being offered at the regional Law School you request and if there is room to accommodate you if they are.

For more information, please visit the Assessment pages of the VLE.
3. THE AWARD

3.1 Overview

Upon successful completion of the programme you will be awarded a Graduate Diploma in Law by BPP University. This is an Honours level award at sub-level 6 (see above). The GDL is regulated by the SRA and BSB.

3.2 Credits

Academic awards in the UK carry a credit allocation. This is generally measured by the ‘notional hours of study’ a programme carries, i.e. the number of hours a typical student would have to devote to study in order to successfully complete the programme. Obviously this is not an exact science. Some students will take a smaller, some a larger amount of time to cover the same material. Nonetheless, this is a useful indicator of the intensity of a course.

Our GDL carries 180 credits, based on around 1801 notional hours of study. Each foundation module (save for EU) carries 20 credits; EU 15; the eighth area of law 30; and the English Legal System and Method module 15 on the same basis. The table below illustrates how these hours are calculated.

Please note that we have not included the consolidation seminars in either the total contact hours or the total notional hours of study, on the basis that not all students are likely to attend these sessions.

<table>
<thead>
<tr>
<th>Module (1)</th>
<th>Tutorials (2)</th>
<th>Lectures (3)</th>
<th>Contact hours (4) (2+3)</th>
<th>Consolidation Seminars (5)</th>
<th>Independent Study hours (6)</th>
<th>Total (excluding (5))</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELS</td>
<td>4.5</td>
<td>3</td>
<td>7.5</td>
<td>0</td>
<td>142.5</td>
<td>150</td>
</tr>
<tr>
<td>Contract</td>
<td>18</td>
<td>23</td>
<td>41</td>
<td>18</td>
<td>160</td>
<td>201</td>
</tr>
<tr>
<td>C &amp; A</td>
<td>18</td>
<td>23</td>
<td>41</td>
<td>18</td>
<td>160</td>
<td>201</td>
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<tr>
<td>Tort</td>
<td>18</td>
<td>23</td>
<td>41</td>
<td>18</td>
<td>160</td>
<td>201</td>
</tr>
<tr>
<td>EU</td>
<td>8</td>
<td>10</td>
<td>18</td>
<td>8</td>
<td>133</td>
<td>150</td>
</tr>
<tr>
<td>Crime</td>
<td>18</td>
<td>23</td>
<td>41</td>
<td>18</td>
<td>160</td>
<td>201</td>
</tr>
<tr>
<td>E&amp;T</td>
<td>18</td>
<td>23</td>
<td>41</td>
<td>18</td>
<td>160</td>
<td>201</td>
</tr>
<tr>
<td>Land</td>
<td>18</td>
<td>23</td>
<td>41</td>
<td>18</td>
<td>160</td>
<td>201</td>
</tr>
<tr>
<td>Research</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>294</td>
<td>295</td>
</tr>
<tr>
<td>Total</td>
<td>120</td>
<td>153</td>
<td>273</td>
<td>117</td>
<td>1528</td>
<td>1801</td>
</tr>
</tbody>
</table>
4. AIMS AND RATIONALE OF THE GDL

4.1 Overview

The broad aims and rationale of the GDL are hinted at above, as are the learning outcomes for the programme, which are implicit in the learning and teaching model which we have adopted.

What follows here is what is commonly referred to as a ‘Programme Specification’. This contains what amounts to a list of the aims and learning outcomes of the GDL, but contextualised against the learning and teaching / assessment strategies used to achieve / demonstrate them.

What you will find here is a broad outline of the knowledge and skills you should emerge with from the GDL programme. Of course, this will require a substantial commitment from you, as indicated by the notional hours of study set out above. Our commitment is to provide you with the best opportunity of achieving these outcomes. The rest is up to you!

Aims and rationale of the programme

The aim of the GDL is to provide the non-law graduate with an academically rigorous programme of legal education in preparation for entry onto the Vocational Stage of legal training and, ultimately, for practice as a legal professional. In essence, the GDL aims to provide a sound foundation for the development of legal knowledge and competencies required for subsequent legal practice.

In particular, the GDL aims to develop in students:

- an understanding of the workings (i.e. the main institutions and procedures) of the English legal system and a knowledge of its sources and development;
- an understanding of the Foundations of Legal Knowledge (as set out in Schedule Two of the Joint Statement issued by the Law Society and the General Council of the Bar on the Completion of the Academic Stage of Training) and the ability to apply that knowledge to practical problems faced in practice;
- an understanding of an area of law outside the Foundations of Legal Knowledge obtained through autonomous research, using both paper and electronic; and primary and secondary sources;
- an appreciation of the relationship between national and community law;
- an appreciation of the ethical and policy considerations which underpin the civil and criminal law within the English legal system and an awareness of different approaches internationally where appropriate;
- a range of cognitive skills, initially acquired through prior learning and experience, which facilitate study of the Foundations of Legal Knowledge at an advanced pace;
- the ability to analyse primary sources of law independently and derive appropriate conclusions in the context of solving practical problems;
- the ability to think critically about the law and the merits of particular arguments advanced as solutions to practical legal problems; and
- the ability to work with, and recognise the potential of, information technology.
Outcomes of the programme

At the end of the programme students should be able to:

• analyse practical legal problems logically and provide a range of solutions to them informed by critical evaluation of their merits;
• analyse primary legal source materials such as cases and statutes, and apply the law derived from this data to the solution of practical legal problems;
• critically evaluate and synthesise doctrinal arguments surrounding particular areas of law and construct a coherent argument from relevant data;
• process a large quantity of complex data and apply that information to the resolution of individual problems;
• conduct independent legal research into an unfamiliar area of law, using hard copy and electronic resources covering both primary and secondary source materials and extract essential information;
• listen effectively to others, with a view to extracting relevant information, identifying gaps in information and / or distilling key points in order to form a coherent critique;
• advise hypothetical clients appropriately as to possible remedies in a legal dispute;
• critique their own progress and arguments and apply concepts learned in one area to another;
• demonstrate a sense of personal responsibility for their own learning;
• work effectively in groups, cooperatively as well as competitively; and
• communicate arguments coherently and effectively both orally and in writing.
### A. Knowledge and Understanding

#### Learning outcomes

On successful completion of this programme students should be able to:

1. demonstrate an understanding and knowledge of the English legal system - its sources, institutions and processes;

2. demonstrate a detailed knowledge and systematic understanding of the seven foundations of legal knowledge (as set out in Schedule Two of the Joint Statement issued by the Law Society and the General Council of the Bar on the Completion of the Academic Stage of Training);

<table>
<thead>
<tr>
<th>Learning outcomes</th>
<th>Learning, teaching and assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>On successful completion of this programme students should be able to:</td>
<td></td>
</tr>
</tbody>
</table>
| 1. demonstrate an understanding and knowledge of the English legal system - its sources, institutions and processes; | 1. **Teaching and learning strategy**  
This knowledge is chiefly developed through the induction module at the start of the programme, before which students are expected to have completed pre-course directed reading. The induction module involves a series of four 1 hour lectures with four corresponding 1.5 hour small group sessions, in which moots, quizzes and debates play a central role. It is also instilled pervasively across the seven foundation modules in the discussion of relevant case law and statutes. |
| 2. demonstrate a detailed knowledge and systematic understanding of the seven foundations of legal knowledge (as set out in Schedule Two of the Joint Statement issued by the Law Society and the General Council of the Bar on the Completion of the Academic Stage of Training); | **Assessment strategy**  
Formatively assessed through online mock MCT assessments during the Induction module. Summatively assessed through an online multiple choice test at the end of the Induction module. |

2. **Teaching and Learning Strategy**

The learning and teaching methods are predominately student-centred and utilise a combination of lectures, small group sessions, seminars, independent learning exercises and online support. Lectures are used to provide a broad overview of the subject matter, identifying key issues and cases / statutes within the area and highlighting areas of academic debate and controversy. Small group sessions are entirely student centred, with students typically focusing on application of the law to practical scenarios, although some sessions in all modules involve discursive evaluation of the state of the law and possible areas of reform. Small group sessions typically comprise up to 18 students who will examine the relevant
3. demonstrate a detailed knowledge and systematic understanding of an eighth area of law outside the Foundations of Legal Knowledge;

4. demonstrate a knowledge and awareness of the relationship between national and community law;

area in the context of a problem-based or essay question, either in small groups of between 2 to 6 students, or as a large group. Consolidation seminars are delivered after both the lecture and small group session in the relevant area. Their purpose is to facilitate consolidation and review of the material covered in these latter sessions. They are interactive and comprise a maximum of 100 students. All three delivery vehicles are of one hour duration and the ratio between them is approximately 1:1:1.

Some learning outcomes are delivered using independent learning exercises (ILEs). These exercises incorporate subject matter which is better suited to independent research and learning or which build upon or consolidate areas of learning achieved in face to face sessions.

Assessment strategy

Formatively assessed through a mock assessment programme (comprising two mocks in each modular area). Summatively assessed through unseen written examinations at the end of the programme.

3. Teaching and learning strategy

This is primarily an independent learning exercise, supported through a research support programme, which comprises: research small group sessions in every modular area; independent learning exercises in every modular area; research activities during the Induction programme; and a programme of lectures and seminars on research techniques.

Assessment strategy

This is summatively assessed through the submission of an Independent Research Essay of 4,000 words at the end of substantive teaching on the programme.

4. Teaching and learning strategy

This knowledge and awareness is chiefly
5. Demonstrate an understanding of the ethical and policy issues which underpin the civil and criminal law within the English legal system.

**Assessment strategy**

This is summatively assessed through an online multiple choice assessment at the end of substantive teaching in EU law.

In addition to the summative and formative assessments within the Law of the European Union module, all of the assessments within the induction and foundation modules have a community law content which must be addressed appropriately.

**5. Teaching and learning strategy**

Ethical and policy debates within individual modular areas are introduced to students in directed reading and lectures, and then debated in small group sessions and seminars.

**Assessment strategy**

This appreciation is formatively and summatively tested in the assessment programme in the foundation modules, notably through essay questions. It is also tested via the Independent Research Essay.

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### B Cognitive Skills

<table>
<thead>
<tr>
<th>Learning outcomes</th>
<th>Learning, teaching and assessment strategy</th>
</tr>
</thead>
</table>
| On successful completion of this programme students should be able to:  

1. analyse practical legal problems logically and provide a range of solutions to them informed by critical evaluation of their merits;  |
| 1. Learning and teaching strategy:  
This skill is developed pervasively across the modules in student-centred sessions |
2. analyse primary legal source materials such as cases and statutes and apply the law derived from this data to the solution of practical legal problems

3. critically evaluate and synthesise doctrinal arguments surrounding particular areas of law and construct a coherent argument from relevant data;

using a combination of case studies and problem-based questions.

**Assessment strategy**

This skill is formative tested through problem-based questions in mock assessments and summatively assessed in written examinations in the foundation modules, which are predominantly problem-based.

2. **Learning and teaching strategy**

These skills are introduced during the induction module in lectures followed by small group sessions in which problem-based methodology is utilised alongside case and statute based moots.

It is further developed in lectures, small group sessions and seminars across the foundation modules.

**Assessment strategy**

The skills of case and statute analysis are formatively tested in online multiple choice tests before being summatively assessed in online multiple choice tests.

3. **Learning and teaching strategy**

This skill is developed through a combination of directed reading and lectures followed by discussion in small group sessions and seminars, in which students critically debate doctrinal arguments and formulate appropriate responses. The IRE, which also develops this skill, is an independent learning exercise.

**Assessment strategy**

This skill is summatively assessed in the IRE, following formative development in the mock assessment programme and alongside formative assessment in the foundation modules (through essay
4. process a large quantity of complex data and apply that information to the resolution of individual problems.

4. Teaching and learning strategy

This skill is developed incrementally across the foundation modules in lectures, small group sessions and seminars. It is also developed through the independent research essay project in the eighth area of law.

Assessment strategy

This skill is formatively assessed through the mocks programme in the foundation modules. It is summatively assessed through the written examinations in the foundation modules (under time pressure) and in the IRE.

C. Professional Skills and Attitudes

<table>
<thead>
<tr>
<th>Learning outcomes</th>
<th>Learning, teaching and assessment strategy</th>
</tr>
</thead>
</table>
| 1. conduct independent legal research into an unfamiliar area of law, using hard copy and electronic resources, covering both primary and secondary source materials and extract essential information; | 1. Teaching and learning strategy

This is a self-study project, with limited guidance on research techniques in lectures / seminars and short, subject specific written guidance on the eighth area of law. However, research techniques are also developed across the foundation modules in research small group sessions and independent learning exercises.

Assessment strategy

This is assessed through the IRE in the eighth area of law, where the students are required to show their ability to research an area of law not covered within the core modules of the GDL.

2. Listen effectively to others, with a view to extracting relevant questions). | 2. Assessment strategy

This skill is assessed in the induction module in which students are required to
information, identifying gaps in information and / or distilling key points in order to form a coherent critique;

participate effectively in debates when their performance is graded on a pass / fail basis.

Teaching and learning strategy

This skill, although assessed on a pass / fail basis early on in the programme, is developed throughout the GDL, as students listen to their tutor and peers in lectures and small group sessions and critique others’ arguments in moots and debates.

3. Teaching and learning strategy

Most of the small group sessions and seminars are centred around problem-based questions requiring the student to advise a hypothetical client in relation to a legal dispute.

Assessment strategy

This skill is assessed formatively through the mock assessment programme and summatively in the written examinations in the seven foundation modules.

<table>
<thead>
<tr>
<th>Learning outcomes</th>
<th>Learning, teaching and assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>On successful completion of this programme students should be able to:</td>
<td></td>
</tr>
<tr>
<td>1. demonstrate a sense of personal responsibility for their own learning;</td>
<td></td>
</tr>
</tbody>
</table>

1. Teaching and Learning and Assessment strategy

This skill is chiefly taught and assessed through the IRE in the eighth area of law.

2. Learning and teaching strategy:

This skill is developed through participation
2. critique their own progress and arguments and apply concepts learned in one area to another; in and preparation for interactive small group sessions, in which tutors provide ongoing feedback on student performance in, amongst other things, their application skills.

**Assessment strategy**

This skill is chiefly assessed in the Independent Research Essay, in which students must apply concepts learned in the foundation modules to an unfamiliar area of law.

3. work effectively in groups, cooperatively as well as competitively; 3. **Teaching and learning strategy**

Although this skill is initially developed and assessed early on in the programme, it is subject to ongoing development through participation in small group sessions in the foundation modules, in which tutors frequently divide students into groups or teams to work on the solution of a given problem.

**Assessment strategy**

This skill is assessed in the quiz, and other exercises during the induction module on a pass / fail basis.

4. communicate arguments coherently and effectively both orally and in writing; 4. **Teaching and learning strategy**

Students receive oral feedback on their performance in small group sessions and written feedback upon their mock assessments. Small group sessions and seminars are specifically geared to developing students' communication skills, utilising a range of tools such as group work, debates and moots to trigger student interaction and participation.

**Assessment strategy**

Written communication skills are
Programme structures and features

The programme may be completed:

1. Full time - face-to-face or online
2. Part time - one evening / two evenings / one day per week / one Saturday per fortnight / distance learning

The full time mode is delivered over 35 weeks in one academic year and all part time modes are delivered over 70 weeks across two academic years. The programme commences in September and January in each year.

The programme structure is as follows:

**Induction**
This period includes an intensive module on the English legal system comprising lectures and small group sessions as well as introductory lectures in the seven foundation modules. It culminates in a multiple choice test on the English legal system.

**Substantive programme in the Foundations of Legal Knowledge**
During this period students will study the seven Foundations of Legal Knowledge and research the eighth area of law in which they will be required to write an Independent Research Essay. Full details of the learning outcomes for the Foundations of Legal Knowledge, plus the eighth area of law, are contained in the module specifications for Constitutional and Administrative Law, the Law of Contract, Criminal Law, the Law of Equity and Trusts, the Law of the European Union, Land Law, the Law of Tort and the Independent Research Essay. Students on the full time mode study all of these areas concurrently.

Students on the part time modes study Constitutional and Administrative Law, the Law of Contract and the Law of Tort in Year 1 and Criminal Law, the Law of Equity and Trusts, the Law of the European Union, Land Law and the eighth area of law in Year 2.

**Assessment**

Formative

Students have a wide array of formative assessment opportunities to help...
gauge their progress on the programme. During induction, a timed practice multiple choice test is put onto the University virtual learning environment (VLE) for students to undertake prior to the English Legal System Test. Similar online exercises are available through the VLE in the Foundations of Legal Knowledge during substantive teaching. In addition, students have the opportunity to submit two practice assessments in each of the Foundations of legal knowledge during substantive teaching. They receive full feedback on these assessments, following which suggested points to incorporate are also placed onto the VLE with which students can compare their answers. During the revision period, past examination papers are made available on the VLE together with suggested points to incorporate in each of the Foundations of Legal Knowledge for students to practice and self-assess their answers. Students’ oral skills are also formatively assessed through their contribution in small group sessions on a weekly basis across the academic year.

**Summative**

The Foundations of Legal Knowledge are assessed by way of unseen written exams (except the smaller Law of the European Union module). The exams are closed book save that students may have access to the GDL Statute Book. The exams contain seven questions from which students are required to answer three. The emphasis in all of these Foundations of Legal Knowledge (save for the naturally more discursive Constitutional and Administrative Law) is on problem questions testing students’ knowledge and understanding of the law and their ability to apply it to practical scenarios they are likely to face in practice.

The Law of the European Union is assessed by way of an invigilated multiple choice assessment in which students are required to answer a number of MCT questions.

The eighth area of law is assessed through the submission of an Independent Research Essay of 4,000 words in length, which students research over the period of substantive teaching.

The learning outcomes for skills are assessed through two assessments: the case analysis test (CAT) and the statute analysis test (SAT). The students are given a judgment from the Court of Appeal/Supreme Court for the CAT and a piece of legislation for the SAT, which they must review and understand thoroughly. They are then required to sit a two-hour unseen multiple choice test for each assessment.

The pass mark is 40% of the total marks available in each assessment.

The programme complies with the CPE Rules issued by the Joint Academic Stage Board August 2011 and July 2014.
## Credit structure

<table>
<thead>
<tr>
<th>Module</th>
<th>Credit</th>
<th>level</th>
</tr>
</thead>
<tbody>
<tr>
<td>English Legal System and Method</td>
<td>15</td>
<td>6</td>
</tr>
<tr>
<td>Constitutional and Administrative Law</td>
<td>20</td>
<td>6</td>
</tr>
<tr>
<td>Law of Contract</td>
<td>20</td>
<td>6</td>
</tr>
<tr>
<td>Criminal Law</td>
<td>20</td>
<td>6</td>
</tr>
<tr>
<td>Law of Equity and Trusts</td>
<td>20</td>
<td>6</td>
</tr>
<tr>
<td>Law of the European Union</td>
<td>15</td>
<td>6</td>
</tr>
<tr>
<td>Land Law</td>
<td>20</td>
<td>6</td>
</tr>
<tr>
<td>Law of Tort</td>
<td>20</td>
<td>6</td>
</tr>
<tr>
<td>Research (including IRE and other coursework)</td>
<td>30</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>180</strong></td>
<td><strong>6</strong></td>
</tr>
</tbody>
</table>

## Reference points

- Graduate Diploma in Law Definitive Programme Document.
- CPE Rules of the Academic Stage Handbook
- QAA Subject Benchmark Statements for Law
- QAA Guidelines on preparing a programme specification document
5. MODULAR INFORMATION

5.1 Overview

In addition to the overall aims, rationale and learning outcomes for the GDL, each of its component modules has its own distinct learning outcomes. These modular outcomes, together with the teaching and learning / assessment strategy used to achieve / demonstrate them are set out in the tables below. An indicative outline of the teaching and learning activities scheduled for each module during the academic year is published to students at the start of each year.

You will find set out below for each module:

- The Learning Outcomes
- Rationale and Delivery of each module (including an indicative weekly schedule for each module)
- The syllabus for each module
MODULE OUTLINES

5.2 Constitutional and Administrative Law

<table>
<thead>
<tr>
<th>School</th>
<th>Law School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level</td>
<td>Level 6</td>
</tr>
<tr>
<td>Credit Value</td>
<td>20 Credits</td>
</tr>
</tbody>
</table>

Contact Hours

18 hours (tutorials)
19 hours (lectures)
18 hours (workshops)
4 hours (revision lectures)

Programme
Graduate Diploma in Law
Module Leader
Neil Hurden

LEARNING OUTCOMES

Knowledge and Understanding

<table>
<thead>
<tr>
<th>Ref</th>
<th>A. Students should be able to demonstrate:</th>
<th>Teaching and learning strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>K1.</td>
<td>An understanding of the history and nature of the UK constitution and its sources.</td>
<td>A preparatory lecture covers the historical and political background to the course. A further introductory lecture specifically covers the general characteristics of the constitution and the sources of constitutional law. The remaining six lectures on the Constitutional law part of the course and all the small group sessions on this part of the course address the unique nature of the UK constitution and its historical development from a variety of perspectives (although these lectures and</td>
<td>Students may undertake a self-assessment test on the virtual learning environment (VLE) Questions in the final examination paper deal directly or indirectly with these areas.</td>
</tr>
<tr>
<td>K2</td>
<td>A critical understanding of the core principles and features of the UK constitution, such as the sovereignty of Parliament, the separation of powers, the rule of law, prerogative power and the accountability of government.</td>
<td>These areas are the specific focus of lectures two through to seven. Whilst each lecture focuses on a different topic area, the inter-related nature of the principles is heavily emphasised. For example, a significant number of cases used to illustrate separation of powers in the UK are also very useful in the study of the principle of the rule of law. Most small group sessions in this area use group discussion of either</td>
<td>Students may undertake one mock assessment in this area. Questions in the final examination paper deal explicitly with these areas.</td>
</tr>
<tr>
<td>K3</td>
<td>The ability to describe and evaluate the core institutions of government - comprising Parliament, the Executive and the Judiciary - and the mechanisms of accountability which exist in the relationship between these institutions.</td>
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</table>

This is initially addressed by the introductory lecture, which provides an overview of these elements. It is also specifically addressed in the lecture relating to the separation of powers. In addition, later subject-specific lectures address aspects of the relationships between these institutions. For example, the lecture on parliamentary sovereignty covers the relationship between parliament and the courts, and the lecture on political accountability that between parliament and the executive.

These themes are also replicated throughout the other sections of the course. For example in the human rights and judicial review sections, a very significant feature of the analysis is concerned with the way in which the courts interact with both the executive and legislature.

The small group sessions closely follow the lectures. Most of the constitutional coverage of this topic is based on essay type questions or factual questions designed to explore key principles and leading cases. Techniques include round table discussion, essay question analysis (e.g. separation of powers and consolidation) and direct questioning.

<table>
<thead>
<tr>
<th></th>
<th>Students submit one mock assessment in this area.</th>
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<tbody>
<tr>
<td></td>
<td>Questions in the final examination paper deal explicitly with these areas.</td>
</tr>
<tr>
<td>K4</td>
<td>An understanding of the process of constitutional reform in the UK including the constitutional implications of the Human Rights Act 1998, of the devolution settlements and of the UK’s membership of the European Union. It is currently anticipated that the course may need to adapt to the possible repeal of the HRA 1998 and/or the ECA 1972 depending on political developments over the next 2-3 years.</td>
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<tr>
<td>K5</td>
<td>A critical understanding of the role that human rights play in the UK constitutional system and its development through the study of six key rights including privacy, expression and liberty. Lectures 8-13 address this area specifically, although human rights considerations also come into play in the lectures either side of this middle section. For example, human rights will also be brought into the general constitutional study in the earlier lectures, reflecting the fact that they are now central to the modern UK constitution. SGSs mirror the lectures, although again analysis of human rights is not considered. Students may undertake self-assessment tests on the virtual learning environment (VLE). Two questions in the final examination paper deal specifically with these areas. One of the mock assessments which students may opt to undertake is in this area.</td>
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</tbody>
</table>

6. **An understanding of the context of judicial review and its relationship to key constitutional principles.**

   A clear, accurate and systematic knowledge and critical understanding of the practices, procedures, principles and remedies of judicial review of administrative action; familiarity with the academic debate surrounding this area; and the ability to draw conclusions from this debate.

   An appreciation of the various grounds of judicial review including of developing areas of interest, notably the impact of the principle of proportionality on domestic public law.

   **Lectures 14-19 deal with the principles and practice of judicial review.**

   The SGSs mirror the lectures and address these issues using an approach mainly based on problem question scenarios.

   **Two questions in the final exam paper deal specifically with these issues.**

   One of the mock assessments which students may opt to undertake is in this area.
## Cognitive Skills

<table>
<thead>
<tr>
<th>Ref</th>
<th>B. Students should be able to:</th>
<th>Teaching and learning strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Analyse a large amount of complex material and case law relating to Constitutional and Administrative Law rapidly and use appropriate techniques to draw practical, applied conclusions.</td>
<td>Many of the small group sessions utilise problem-based questions as their main discussion tool. These typically contain a complex factual matrix involving multiple parties and issues, which students must analyse individually (before the session) and in groups (during the session).</td>
<td>At least one of the mock assessments which students complete is problem-based. Four of the seven questions in the final examination paper are problem-based. This is reflective of the nature of the subject; both the human rights and judicial review sections of the course are suited to assessment through problem questions, whereas constitutional law is far better tested through essay questions.</td>
</tr>
<tr>
<td>C2</td>
<td>Critically evaluate and synthesise doctrinal arguments surrounding particular areas in Constitutional and Administrative Law and construct a coherent argument from relevant material.</td>
<td>This is chiefly practiced in the first part of the course, on Constitutional Law, an area which is naturally more discursive and requires detailed analysis of doctrinal academic argument and judicial opinion. However, even under the headings of Human Rights and Judicial Review, which are more problem question based, there is potentially scope for essay answers which require such an evaluative approach.</td>
<td>Students may submit one mock assessment in the form of an essay prior to encountering such questions summatively in the final examination.</td>
</tr>
<tr>
<td>C3</td>
<td>Evaluate complex and contradictory material and make a reasoned choice between alternative positions and solutions.</td>
<td>As in B2 above, this skill is chiefly practiced in areas lending themselves to discursive analysis of apparently contradictory</td>
<td>The mock assessment and questions in the final examination paper set in essay form typically invite students</td>
</tr>
</tbody>
</table>
source material.

For example, SGS 4 on separation of powers sets up the contradictory suggestions (made by academics) that the separation of powers is both essential and irrelevant to an understanding of the UK constitution.

to critically analyse controversial statements on an aspect of the law with a view to making a reasoned choice between alternative philosophical standpoints.

| C4 | Apply their knowledge of Constitutional and Administrative Law to complex factual matrices in order to provide clear and coherent solutions to given problems. | The problem-based question tool utilised in many tutorials requires students to apply their knowledge of the law to complex factual matrices and advise hypothetical clients as to their legal position. | At least one of the mock assessments which students complete is problem-based.

Four of the seven questions in the final examination paper are problem-based.

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**Professional Skills and Attitudes**

<table>
<thead>
<tr>
<th>Ref</th>
<th>C. Students should be able to:</th>
<th>Learning and teaching strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
</table>
| S1  | Advise clients appropriately as to possible remedies in a human rights or judicial review case. | The problem-based question tool utilised in many tutorials requires students to apply their knowledge of the law to complex factual matrices and advise hypothetical clients as to their legal position. | At least one of the mock assessments which students complete is problem-based.

Four of the seven questions in the final examination paper are problem-based. |

No guidance on the problem-based question is provided in advance of the small group session and each session is student-led.

| S2  | Listen effectively to others, with a view to extracting relevant information, identifying gaps in information and / or | This skill is practiced extensively in lectures (where students must listen effectively to the tutor) and small group | The ability to listen effectively to others is initially assessed in the induction period, followed by narrative |

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<table>
<thead>
<tr>
<th>Ref</th>
<th>D. Students should be able to:</th>
<th>Learning and teaching strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Demonstrate a sense of personal responsibility for their own learning.</td>
<td>This skill is particularly developed on this module through the independent learning exercises (one on Constitutional Law and one on Judicial Review). Given the intensity of the GDL programme, this skill is also developed through the need for effective time management and personal organisation in relation to private study.</td>
<td>This skill is chiefly assessed through an Independent Research Essay, completed elsewhere on the programme.</td>
</tr>
<tr>
<td>T2</td>
<td>Critique their own progress and arguments and apply concepts learned in one area to another.</td>
<td>This skill is practiced in every small group session on the module, through the tools of group discussion and a creative approach to feedback. The ability to reflect on students’ own progress is chiefly assessed through the Independent Research Essay, completed elsewhere on the programme.</td>
<td></td>
</tr>
<tr>
<td>T3</td>
<td>Work effectively in groups, cooperatively as well as competitively.</td>
<td>The skill of working cooperatively in groups is practiced in most SGSs</td>
<td>These skills are chiefly assessed through observation of tutorials</td>
</tr>
<tr>
<td>Module</td>
<td>Description</td>
<td>Assessment</td>
<td></td>
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</tr>
<tr>
<td>T4</td>
<td>Communicate arguments coherently and effectively both orally and in writing.</td>
<td>The skill of oral communication is practiced extensively in every small group session through student led group discussion. Written communication skills are honed through the mock assessment programme in every module, upon which extensive feedback is provided. Written communication skills are formattively assessed through the mock assessment programme and summatively assessed in the final examination. Oral communication skills are chiefly assessed through observation of tutorials by tutors throughout the programme.</td>
<td></td>
</tr>
<tr>
<td>T5</td>
<td>Use information technology in the conduct of legal research and communication of findings.</td>
<td>This skill is addressed through the large amount of online material the students are required to access to complete SGS preparation – a particular example would be the SGS on Parliamentary Sovereignty. This skill is chiefly assessed through the Independent Research Essay, completed elsewhere on the programme.</td>
<td></td>
</tr>
</tbody>
</table>

**RATIONALE & DELIVERY**

**Delivery of Teaching**

Teaching consists of one tutorial and one lecture per week. In addition, students can attend a weekly consolidation session.

**Mode of Assessment**

**Formative Assessment**

Two practice assessments per year: 1,500 answers to essay and / or problem questions.

**Summative Assessment**

Unseen timed examination: three hour paper in which the students have to answer three from seven questions.

The assessments are marked according to the Level 6 Marking Criteria.
Resources

Existing GDL teaching staff will be capable of holding the tutorials and lectures.

Indicative Reading List

Core reading
BPP’s Cases & Materials on Constitutional and Administrative Law

Constitutional & Administrative Law

Content & Curriculum

The module is split into three parts.

From their pre-course reading and exercises, a preparatory lecture, and key parts of the GDL general induction programme students should already have gained a basic understanding of the structure of UK governance and the roles of the legislature, executive and judiciary in the UK.

This basic knowledge will be built upon and considerably expanded in the three sections which comprise the ‘Con & Ad’ module:

- Part A will concentrate on the fundamental principles of the UK constitution. The module will begin with a brief introduction to the nature of constitutions generally, the sources of UK constitutional law and the principle of ‘constitutionalism’. We will then examine in detail the fundamental theories and principles underpinning the UK’s Constitution, including parliamentary sovereignty, the rule of law and the separation of powers. This part of the course will also emphasise the political and legal accountability of the executive to the legislature and judiciary respectively. The principles covered in this section are also very much pervasive to the course as a whole and they are intended to create a backdrop and foundation for the other two parts of the course, which can be seen to involve their practical application in every day public law cases.

- Part B will focus on Human Rights; the course will introduce the background and theoretical aspects of human rights law and will then take a more specific, practical focus, concentrating on a few fundamental rights, including liberty, privacy and expression. This will allow students to utilise their knowledge gained here and from Part A and to apply it to specific practical scenarios.

- Part C introduces Administrative Law and will focus specifically on judicial review. Linking in the theoretical principles from Part A, notably the significance of the rule of law, students will examine the procedure for bringing a public law claim and be introduced to the theory and practice for bringing such a claim. It will also deal more specifically with the principles and case law relating to the four main grounds of judicial review, as well as introducing more modern
developments such as the emergence of proportionality as a feature of domestic public law cases. This section will also allow students to utilise their knowledge from the earlier parts of the course and ties in very much with current issues and contemporary legal developments.

Part A: Constitutional law

- Constitutions and constitutionalism
- Characteristics of the UK Constitution and Sources of UK constitutional law
- Accountability of Government: ‘Responsible government’
- Separation of Powers
- Rule of Law
- Parliamentary Sovereignty
- Prerogative power

Part B: Human Rights

- European Convention on Human Rights
- Human Rights Act 1998 – key enforcement mechanisms
- Right to Life (Art 2) and the Freedom from Torture and Inhuman and Degrading Treatment (Art 3)
- Freedom of the Person: Liberty (Art 5) and the Right to a ‘Fair Trial’ (Art 6)
- Right to Respect for a Private and Family Life (Art 8)
- Freedom of Expression (Art 10)
- Development of privacy law

Part C Administrative law

- Principles of Judicial Review
- Illegality
- Unreasonableness
- Proportionality
- Procedural Impropriety
- Legitimate Expectation
5.3 Contract Law

<table>
<thead>
<tr>
<th>School</th>
<th>Law School</th>
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</thead>
<tbody>
<tr>
<td>Level</td>
<td>Level 6</td>
</tr>
<tr>
<td>Credit Value</td>
<td>20 Credits</td>
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</table>

Contact Hours
- 18 hours (tutorials)
- 19 hours (lectures)
- 18 hours (workshops)
- 4 hours (revision lectures)

Programme
- Graduate Diploma in Law

Module Leader
- Jessica Twombley (maternity cover for Caroline van Hensbergen)

LEARNING OUTCOMES

Knowledge and Understanding

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to demonstrate a:</th>
<th>Teaching and learning strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>K1</td>
<td>Detailed knowledge and systematic understanding of the principles governing contract formation and enforcement.</td>
<td>Contract formation and enforcement are covered in a series of eight lectures and eight small group sessions, one of which is an independent learning exercise. The lectures begin with an introductory lecture, setting out the outline of the module and introducing the topic of agreement. The small group sessions utilise a number of techniques, including: group analysis of essay (duress) and problem-based questions (agreement and consideration); analysis of unseen problem scenarios (privity); and an independent learning exercise centred on a</td>
<td>Students submit two mock assessments in this area. Students may undertake self-assessment tests on the virtual learning environment (VLE). Questions in the final examination paper deal explicitly with these areas.</td>
</tr>
</tbody>
</table>
| **K2** | Detailed knowledge and systematic understanding of the process via which statements become terms of contracts and the consequences of breach, including the effectiveness of exemption clauses in limiting or excluding liability. | The content of contracts is covered in a series of four lectures and four small group sessions.  
  
  The lectures cover how statements become terms and their subsequent categorisation before going on to consider the common law and statutory controls on exemption clauses.  
  
  The small group sessions dovetail with the lectures, covering each of the above areas in turn. A variety of techniques are used, including a Law in Action moot exercise (covering incorporation and categorisation of terms) alongside the group analysis of problem-based questions dealing with exemption clauses. | Students may undertake self-assessment tests on the virtual learning environment (VLE).  
  
  Questions in the final examination paper deal explicitly with these areas. |
| **K3** | Detailed knowledge and systematic understanding of the vitiating factors which can undermine the validity of contracts. | These are covered in a series of three lectures and three small group sessions.  
  
  The lectures cover the definitional requirements for misrepresentation and their subsequent categorisation (including remedies available) before going on to consider mistake. Duress is dealt with under formation.  
  
  The small group sessions mirror the lecture structure. In addition to group analysis of problem-based questions (misrepresentation), the law of mistake is taught. | Students may undertake self-assessment tests on the virtual learning environment (VLE).  
  
  Questions in the final examination paper deal explicitly with these areas. |
through a specially designed research small group session, in which students must consult primary source materials in order to successfully navigate their way through the exercise.

| K4 | Detailed knowledge and systematic understanding of the ways in which contracts may be discharged and the relevant financial repercussions. | Discharge and remedies are covered in a series of four lectures and four small group sessions. The lectures cover discharge by agreement, performance and breach (in a single lecture) before going on to consider frustration. There are then two lectures covering remedies, beginning with the quantification of loss followed by a consideration of the various factors limiting liability. The small group sessions mirror this structure, utilising the techniques of group analysis of problem-based questions. | Students may undertake self-assessment tests on the virtual learning environment (VLE). Questions in the final examination paper deal explicitly with these areas. |
| K5 | Knowledge and awareness of the ethical and policy considerations arising within the Law of Contract. | The ethical and policy dimensions of each of the areas set out above are introduced through the introductory reading and lectures, before being discussed in small group sessions. | Students may submit one mock assessment in the form of an essay. One question on the final examination paper is an essay question centring on the ethical and policy considerations in a particular area of law. This will typically be set in an area characterised by ethical or policy-driven issues, such as promissory estoppel, |
Cognitive Skills

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Teaching and learning strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Analyse a large quantity of complex data relating to a contract rapidly and use appropriate techniques to draw practical conclusions.</td>
<td>The majority of the small group sessions utilise problem-based questions as their main discussion tool. These typically contain a complex factual matrix involving multiple parties and issues, which students must analyse individually (before the session) and in groups (during the session).</td>
<td>At least one of the mock assessments which students complete is problem-based. Six of the seven questions in the final examination paper are problem-based.</td>
</tr>
<tr>
<td>C2</td>
<td>Critically evaluate and synthesise doctrinal arguments surrounding particular areas in Contract Law and to construct a coherent argument from relevant data.</td>
<td>This is chiefly practised in areas which are naturally more discursive and require detailed analysis of doctrinal academic argument. The lectures and tutorials covering promissory estoppel, consideration / duress and privity all contain scope for the discussion of doctrinal argument, based around essay questions.</td>
<td>Students may submit one mock assessment in the form of an essay. One question on the final examination paper is an essay question centring on the ethical and policy considerations in a particular area of law.</td>
</tr>
<tr>
<td>C3</td>
<td>Evaluate complex and contradictory data and make a reasoned choice between alternative positions and solutions.</td>
<td>As in B2 above, this skill is chiefly practiced in areas lending themselves to discursive analysis of apparently contradictory source material. A classic example here is the research tutorial in the law of mistake, calling for a detailed analysis of the difficult cases of Phillips v</td>
<td>The mock assessment and question in the final examination paper set in essay form typically invite students to critically analyse controversial statements on an aspect of the law with a view to making a reasoned choice between alternative</td>
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<td><strong>Brooks, Ingram v Little, Lewis v Averay and Shogun Finance v Hudson</strong> on the basis of research of primary source material.</td>
<td>philosophical standpoints.</td>
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</tr>
<tr>
<td>C4</td>
<td>Apply their knowledge of contract law to complex factual matrices in order to provide clear and coherent solutions to given problems.</td>
<td>The problem-based question tool utilised in the majority of tutorials requires students to apply their knowledge of contract law to complex factual matrices and advise hypothetical clients as to their legal position.</td>
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<td></td>
<td>At least one of the mock assessments which students complete is problem-based.</td>
<td>Six of the seven questions in the final examination paper are problem-based.</td>
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</table>

### Professional Skills and Attitudes

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<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Learning and teaching strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>S1</td>
<td>Advise clients appropriately as to possible remedies in a contractual dispute.</td>
<td>The problem-based question tool utilised in the majority of tutorials requires students to apply their knowledge of contract law to complex factual matrices and advise hypothetical clients as to their legal position.</td>
<td>At least one of the mock assessments which students complete is problem-based.</td>
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<td></td>
<td>No guidance on the problem-based question is provided in advance of the small group session and each session is student-led.</td>
<td>Six of the seven questions in the final examination paper are problem-based.</td>
</tr>
<tr>
<td>S2</td>
<td>Listen effectively to others, with a view to extracting relevant information, identifying gaps in information and / or distilling key points in order to form a coherent critique.</td>
<td>This skill is practiced extensively in lectures (where students must listen effectively to the tutor) and small group sessions (where they must also listen to their peers).</td>
<td>The ability to listen effectively to others is initially assessed in the induction module, followed by narrative assessment in the foundation modules thereafter.</td>
</tr>
<tr>
<td>S3</td>
<td>Conduct independent legal research into new areas</td>
<td>This skill is specifically addressed through the</td>
<td>This skill is chiefly assessed through the</td>
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within the discipline, using hard copy and electronic resources and covering both primary and secondary sources.

### Research

#### Research small group session in the Law of Mistake.

#### Independent Research Essay, completed elsewhere on the programme.

### General Transferable Skills

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<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
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<th>Assessment strategy</th>
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</thead>
<tbody>
<tr>
<td>T1</td>
<td>Demonstrate a sense of personal responsibility for their own learning.</td>
<td>This skill is particularly developed on the Contract Law module through the independent learning exercise in ICLR. Given the intensity of the GDL programme, this skill is also developed through the need for effective time management and personal organisation in relation to private study.</td>
<td>This skill is chiefly assessed through an Independent Research Essay, completed elsewhere on the programme.</td>
</tr>
<tr>
<td>T2</td>
<td>Critique their own progress and arguments and apply concepts learned in one area to another.</td>
<td>This skill is practiced in every small group session on the module, through the tools of group discussion and a creative approach to feedback. The ability to reflect on students’ own progress is chiefly assessed through the Independent Research Essay, completed elsewhere on the programme.</td>
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</tr>
<tr>
<td>T3</td>
<td>Work effectively in groups, cooperatively as well as competitively.</td>
<td>The skill of working cooperatively in groups is practiced in many small group sessions on the module. The skill of working competitively is specifically addressed in the moot exercise in the first term’s small group session. These skills are initially assessed in the induction module, followed by narrative assessment in the foundation modules thereafter. The skills are also assessed in a Law in Action tutorial and group work.</td>
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<tr>
<td>T4</td>
<td>Communicate arguments coherently and effectively both orally and in writing.</td>
<td>The skill of oral communication is practiced extensively in Written communication skills are formatively assessed through the</td>
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</table>
every small group session through student led group discussion.
Written communication skills are honed through the mock assessment programme in every module, upon which extensive feedback is provided.
mock assessment programme and summatively assessed in the final examination.
Oral communication skills are initially assessed in the induction module, followed by narrative assessment in the foundation modules thereafter.

| T5 | Use information technology in the conduct of legal research and communication of findings. | This skill is specifically addressed through the Research small group session in the Law of Mistake. | This skill is chiefly assessed through the Independent Research Essay, completed elsewhere on the programme. |

**RATIONALE & DELIVERY**

**Delivery of Teaching**

Teaching consists of one tutorial and one lecture per week. In addition, students can attend a weekly consolidation session.

**Mode of Assessment**

**Formative Assessment**

Two practice assessments per year: 1,500 answers to essay and / or problem questions.

**Summative Assessment**

Unseen timed examination: three hour paper in which the students have to answer three from seven questions.

The assessments are marked according to the Level 6 Marking Criteria.

**Resources**

Existing GDL teaching staff will be capable of holding the tutorials and lectures.
Indicative Reading List

Core reading
Jill Poole: Textbook on Contract Law, Oxford Uni Press, 12th ed. (15 May 2014)
BPP’s Cases & Materials on Contract Law

Law of Contract

Content & Curriculum The module is split into five parts and is comprised of 18 topics, each of which is interrelated.

The first part, 'Creation and Enforcement', will focus on how a contract is formed and who is able to enforce a contract in the event that the agreement is breached. We will begin by identifying the essential elements of contract formation: agreement, intention to create legal relations and consideration. We will then consider the position where a promise is not supported by consideration but may have binding effect due to the doctrine of promissory estoppel. From there we will consider the legal effect of duress upon an agreement, in particular focusing on the relationship between economic duress and consideration. Finally in this unit, we will look at the doctrine of privity of contract and consider the circumstances in which a third party to a contract may be able to enforce it.

The second part, 'Content', will cover the contents of a contract, that is, its terms. Terms may become part of a contract through the express intentions of the parties (express terms) or may be implied into the contract to give effect to the presumed intentions of the parties or to the provisions of a statute (implied terms). We will consider the different nature of contractual terms. Terms are categorised by their importance with regard to the purpose of the contract. You will learn that the nature of the term has an important impact on the innocent party's rights where a breach of contract occurs. We will then go onto look at clauses which seek to exclude or limit liability for breach of contract and consider the common law and statutory controls upon such clauses.

In the third part, 'Vitiating Factors', you will learn that even where a contract has been validly created (i.e. it fulfils the requirements of agreement, intention to create legal relations and consideration) it may be set aside if certain factors were present which meant that consent was not real. These factors are called 'vitiating factors'. The vitiating factors we will cover in this unit are misrepresentation, mistake, undue influence and illegality. You will learn the different legal effect of each of the vitiating factors.

Part four, 'Termination', focuses on the different means by which a contract may be discharged. You will learn that a contract may be discharged through performance, agreement, breach or frustration. We will consider the different legal consequences of each of these mechanisms through which a contract may come to an end.

The final part, 'Remedies', deals with the remedies available in the event of breach of contract. The principal remedy for breach of contract is damages and this will be the focus of this unit. You will learn about the different mechanisms for assessing damages and the factors which may limit the recovery of damages which have been developed by the courts.
Lectures

**Definition and essential elements of a Contract**
- Distinction between liability in Contract and liability in Tort
- The Commercial Purpose of Contract Law
- The Competing Themes within Contract Law

**Agreement I - Offer**
- Distinction between Offer and Invitation to Treat
- Communication of Offer
- Lapse of Offer

**Agreement II - Acceptance**
- Acceptance
- Communication of Acceptance
- Exceptions to Communication of Acceptance Rule: Postal Rule, Unilateral Contracts

**Intention to Create Legal Relations and Capacity**
- Commercial Agreements
- Domestic/Social Agreements
- Subject to Contract / Letters of Intent
- Capacity – Companies / Minors / Mental Incapacity / Drunkenness

**Consideration**
- Definition of Consideration
- Adequacy of Consideration
- Sufficiency of Consideration
- Special Categories of Sufficiency of Consideration: Existing Contractual Obligations (with existing contractual party and with 3rd party); Public Duty.

**Part payment of a debt and promissory estoppel**
- Part Payment of a Debt
- Fresh Consideration at Common Law
- Promissory Estoppel

**Duress**
- Duress to the Person
- Duress to Goods
- Economic Duress
- Relationship between Economic Duress and Consideration

**Privity of Contract**
- Effect of Privity of Contract
- Statutory Exceptions to Privity of Contract
- Contracts (Rights of Third Parties) Act 1999
- Common Law devices to circumvent Privity
Terms of the Contract I

- Distinction between Terms and Representations
- Express Terms:
  - Written Contracts; Oral Contracts; Partly Written and Partly Oral Contracts; Overriding Oral Assurances; Collateral Contracts
- Implied Terms:
  - Terms Implied in Fact: Trade & Custom, Course of Dealing; Business Efficacy Test.

Terms of the Contract II

- Relative Significance of Terms:
  - Conditions, Warranties, Innominate Terms

Exemption Clauses – Common Law

- Nature of Exemption Clauses
- Incorporation: Notice; Course of Dealing; Signature
- Construction of Clauses
- Contra Proferentum Rule

Exemption Clauses – Statutory Controls

- Unfair Contract Terms Act 1977
- Unfair Terms in Consumer Contracts Regulations 1999
- Consumer Rights Act 2015

Misrepresentation I

- Definition and actionability
- Statement of Fact: Distinguished from Statement of Opinion or Future Intention
- Silence
- Half Truths
- Continuing Representations
- Materiality and Inducement

Misrepresentation II

- Types of Misrepresentation: Fraudulent; Negligent (including contrast with Negligent Misstatement at Common Law); Innocent
- Remedies: Damages; Rescission (and Bars to Rescission); Indemnity
- Nature of Damages.

Mistake

- Distinction between types of Mistake
- Common Mistake
- Mutual Mistake
- Unilateral Mistake
- Mistake at Common Law & Mistake in Equity

Discharge of Contract I

- Discharge by Performance
Discharge of Contract II
• Discharge by Frustration

Remedies I
• Liquidated/Unliquidated damages
• Penalty Clauses
• Measures of damages: Expectation Interest, Reliance Interest, Restitutionary Interest

Remedies II
• Factors Limiting damages: Causation, Remoteness, Mitigation, Contributory Negligence

Tutorials
Agreement I
• Explanation of distinction between Bilateral and Unilateral offer.
• Analysis of Offer distinguished from Invitation to Treat in specific areas: goods in a shop window, goods on a supermarket shelf, auctions, advertisements, unilateral offer.
• Application of above principles to a series of short problem based scenarios.

Agreement II
• Explanation of rules applicable to Contractual Offer and Acceptance.
• General rules of communication of acceptance and exceptions in relation to unilateral offers and postal rule. Communication of acceptance by instantaneous methods.
• Application of above principles to a bilateral offer scenario.

Agreement II
• Application of principles relating to offer and acceptance to a more complex bilateral contract scenario.

Independent Learning Exercise – Intention to Create Legal Relations
• Practice Case Analysis Assessment

Consideration
• Definition of consideration.
• Adequacy and sufficiency of consideration.
• Explanation of the rules on sufficiency of consideration in specified circumstances including a promise to pay more for an existing contractual obligation, promise to pay more for an existing contractual obligation owed to a third party, promise to pay more for an existing public duty.
• Application of the above principles to a series of short problem based scenarios.
Part-payment of a debt and promissory estoppel
- Explanation of the rules relating to part-payment of a debt; fresh consideration; promissory estoppel
- Application of above principles to a problem scenario.

Duress
- Explanation of the effect of duress at common law.
- Trace the development of the doctrine of economic duress and analysis of the problems of defining the doctrine.
- Interrelationship between duress and consideration.
- Application of consideration and duress to a problem scenario.

Privity of Contract
- Examination of how the Contracts (Rights of Third Parties) Act 1999 has affected privity of contract.
- Application of the Act to example clauses
- Critical analysis of the common law exceptions to the doctrine of privity of contract which remain relevant

Terms of the Contract I
- Distinction between terms and representations and the effects thereof.
- Express Terms. Explanation of the various tests devised by the courts to draw the distinction between terms and representations.
- Introduction to the categorisation of terms: conditions, warranties, innominate terms.
- Application of these principles to a law in action scenario held as a mock court case or negotiation.

Terms of the Contract II
- Distinction between conditions, warranties and innominate terms.
- Different remedies available
- Application of these principles to a problem scenario.

Exemption Clauses I – Common Law Controls
- Outline of the effect of exemption clauses and distinction between exclusion clauses and limitation clauses.
- Incorporation by signature, by notice and by course of dealing.
- Construction of clauses and the contra proferentem rule.
- Application of these principles to a problem scenario.

Exemption Clauses II
- Explanation of the effects of the Unfair Contracts Terms Act 1977 on exemption clauses and comparison with the effects of the Consumer Rights Act 2015.
• Distinctions drawn between business/consumer contracts and business/business contracts.
• Relationship between terms implied by statute (Sale of Goods Act 1979 and Supply of Services Act 1982) and the aforementioned statutes.
• Application of these principles to a problem scenario.

Misrepresentation I
• Definition of Misrepresentation
• Discussion of interrelationship of this area with that of Terms/Representations.
• Discussion of how to identify whether a misrepresentation is actionable.
• Application of these principles to a problem scenario.

Misrepresentation II
• Definition of types of misrepresentation: fraudulent, negligent and innocent.
• Remedies: rescission and bars to rescission. Explain the measure of damages and the analysis of section 2(1) Misrepresentation Act 1967 giving rise to the fiction of fraud. Indemnity.
• Application of these principles to a problem scenario.

Mistake
• Detailed discussion of the rules relating to unilateral mistake as to identity with criticism of relevant case law.
• Application of these principles to a problem scenario.

Discharge I
• Analysis of discharge of contract by performance including distinction between partial performance and substantial performance.
• Analysis of discharge by agreement, including variation and accord and satisfaction.
• Analysis of discharge by breach including rules in relation to anticipatory breach.
• Application of these principles to a problem scenario.

Discharge of Contract II
• Analysis of discharge by frustration.
• Rationale of doctrine covering impossibility, illegality, government intervention and frustration of common purpose.
• Discussion of the factors limiting the doctrine such as self-induced frustration, foreseeability and contracts which have become more onerous or expensive to perform.
• Statutory provisions contained in the Law Reform (Frustrated Contracts) Act 1943 about retention or repayment of money.
• Application of these principles to a problem scenario.

Remedies I
• The nature and purpose of remedies
• The distinction between liquidated and unliquidated damages
• Examination of the assessment of damages i.e. expectation interest, reliance interest and restitutionary interest.
• Application of these principles to a problem scenario.

Remedies II
• Penalty clauses
• Factors limiting damages e.g. causation, remoteness, mitigation and contributory negligence.
• Application of these principles to a problem scenario.
5.4 Criminal Law

<table>
<thead>
<tr>
<th>School</th>
<th>Law School</th>
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<tbody>
<tr>
<td>Level</td>
<td>Level 6</td>
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<tr>
<td>Credit Value</td>
<td>20 Credits</td>
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<tr>
<td>Contact Hours</td>
<td>18 hours (tutorials)</td>
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<td>19 hours (lectures)</td>
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<td>18 hours (workshops)</td>
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<td>4 hours (revision lectures)</td>
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<tr>
<td>Programme</td>
<td>Graduate Diploma in Law</td>
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<td>Module Leader</td>
<td>Debbie Davies</td>
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</table>

**MODULE LEARNING OUTCOMES**

Knowledge and Understanding

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>K1</td>
<td>Detailed knowledge and systematic understanding of the fundamental principles of criminal liability.</td>
<td>These fundamental principles underpin the entire criminal course and are initially covered in a series of four lectures and four small group sessions, one of which is an independent learning exercise. These principles are revisited and taught pervasively across all topic areas within this module. The lectures begin with an introductory lecture, setting out the outline of the module and moves on to considering the fundamental principles of this topic which govern how to identify the elements of an offence. The small group sessions utilise a number of</td>
<td>Students submit one mock assessment which will include consideration of these fundamental principles. Students may undertake self-assessment tests on the virtual learning environment (VLE). Questions in the final examination paper deal explicitly with these areas.</td>
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<td>techniques, including: group discussion on the fundamental principles in operation; consideration of problem-based questions; moots and debates.</td>
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<tr>
<td>K2</td>
<td>Detailed knowledge and systematic understanding of the legal rules required of a specific offence before a conviction can be secured.</td>
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<td>This module concentrates on eighteen substantive offences which are covered in a series of nine lectures.</td>
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<td>One offence, blackmail, forms the basis of the research small group session and is not lectured on substantively. Here the students are directed to read primary statutory provisions and relevant case law which they must assimilate prior to the session.</td>
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<td>The lectures concentrate on the requisite elements for each offence and the definitional requirements, alongside a broader consideration of areas for potential development.</td>
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<td>The small group sessions dovetail with the lectures, covering each of the offences using a variety of different techniques. Each offence is further considered in at least one small group session (some have two sessions per offence). The small group sessions are used to develop the requisite skill set to complete a full and proper legal analysis. They include consideration of problem based questions, writing exercises, consolidation</td>
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<td>Students submit one mock assessment which will concentrate on at least one of the substantive offences covered on this course.</td>
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<td>Students may undertake self-assessment tests on the virtual learning environment (VLE)</td>
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<td>Students may participate in workshops (delivered both on the virtual learning environment (VLE) and in live large group session which focus on practicing analytical skills using previously unseen problem-based questions</td>
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<td></td>
<td>Questions in the final examination paper deal explicitly with these offences.</td>
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<tr>
<td>K3</td>
<td>Detailed knowledge and systematic understanding of specific defences which may be available to defendants.</td>
<td>These are covered in a series of three lectures and four small group sessions. The lectures initially look at the special defences (loss of control) available for murder. A number of general defences (Duress, self-defence, necessity, consent &amp; intoxication) are considered over two lectures. All of these lectures cover the requisite elements of each defence and consider areas for potential development. Students are introduced to the general defences early within the module course in small group sessions centred on problem-based scenarios, allowing the students to assess the availability and merits of general defence in particular scenarios involving specific offence. The special defences are introduced mid-way through the course when students have attained a sufficient skill base to deal with these more complex legal principles. The special defences are considered over two small group sessions. The first involves a group analysis of a problem-based question which focuses on the defence of loss of</td>
<td>Students submit one mock assessment in this area. Students may undertake self-assessment tests on the virtual learning environment (VLE) Students may participate in workshops (delivered both on the virtual learning environment (VLE) and in live large group session which focus on practicing analytical skills using previously unseen problem-based questions Questions in the final examination paper deal explicitly with these areas.</td>
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<tr>
<td>K4</td>
<td>Detailed knowledge and systematic understanding of when an inchoate offence has been committed in any given factual scenario.</td>
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<td>These offences are specifically covered in one lecture and one small group session (although this is a generic subject and as the module progresses the student should be able to identify when these offences may be relevant in particular scenarios).</td>
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<td>The lecture specifically addresses the definitional requirements for conspiracy, before going on to consider areas for potential development.</td>
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<td>The small group session is based on a series of scenarios which utilises the technique of group analysis of a problem.</td>
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</table>

control and allows the student to check their knowledge and understanding of the defences and their capacity to apply the law to factual situations. The given facts allows students to identify another possible defence of self-defence.

The second small group session concentrates on the defence of diminished responsibility and allows student to consolidate their knowledge, understanding and ability to analyse a set of given facts on murder.

Additional facts are made available to the student to aide further practice.

Students may undertake self-assessment tests on the virtual learning environment (VLE).

Students may participate in workshops (delivered both on the virtual learning environment (VLE) and in live large group session which focus on practicing analytical skills using previously unseen problem-based questions.

Questions in the final
Cognitive Skills

<table>
<thead>
<tr>
<th>Ref</th>
<th>B. Students should be able to:</th>
<th>Teaching and learning strategy</th>
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</thead>
<tbody>
<tr>
<td>C1</td>
<td>Analyse a criminal law problem, identify pertinent issues and apply the relevant law to provide a resolution.</td>
<td>These skills are taught pervasively across all topic areas within the module, with the majority of small group sessions using problem-based questions as their main discussion tool. Each small group session challenges students to apply the relevant law to factual scenarios of the kind they may encounter in practice – either through short discussion questions, complex factual problems or case studies. These skills are further developed using a series of cases studies within a large group session. Students are provided with an additional self-evaluation exercise on statute analysis provides students with a further opportunity to develop their skill of ascertaining the relevant law.</td>
<td>Both of the mock assessments are problem-based. Students’ final assessment contains seven problem-based questions.</td>
</tr>
<tr>
<td>C2</td>
<td>Evaluate complex and contradictory data and make a reasoned choice between alternative positions and solutions.</td>
<td>Such contradictory data is highlighted and discussed within the relevant lectures. Problem-based questions are then used within the small group sessions to allow the students to consider, discuss and evaluate.</td>
<td>The mock assessment and questions in the final examination paper require students to demonstrate this skill, presenting students with complex factual matrices which they must unravel in order.</td>
</tr>
<tr>
<td>C3</td>
<td>Process large quantities of information rapidly and apply that information to problem-based questions.</td>
<td>This skill is taught pervasively across the module and is developed through preparation for and participation in the small group sessions using a combination of case studies and problem-based questions.</td>
<td>Again both forms of assessment are based on a series of problem scenarios which directly test this skill.</td>
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<tr>
<td>C4</td>
<td>Cogently and persuasively argue how the relevant law should be applied to the resolution of a given problem</td>
<td>The adversarial nature of this topic lends itself to moot style debates within small group sessions, which are widely used to develop this skill. A specific Law in Action exercise (based on a series of case studies covering a number of offences studied on this course, e.g., criminal damage, offences against the person and possible defences) provides a good example of this strategy.</td>
<td>This skill is formatively and summatively assessed using problem-based question methodology, requiring application and cogent argument. The ability to demonstrate this skill orally is narratively assessed by tutors in small group sessions.</td>
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## Professional Skills and Attitudes

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<tr>
<th>Ref</th>
<th>C. Students should be able to:</th>
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</tr>
</thead>
<tbody>
<tr>
<td>S1</td>
<td>Analyse a factual problem and identify the relevant issues of fact and law.</td>
<td>As stated above, most small group sessions are based around factual problems correlating to real-life scenarios students would be likely to encounter in practice.</td>
<td>Both of the mock assessments which students complete are problem-based. All seven questions in the final examination paper are problem-based.</td>
</tr>
<tr>
<td>SS2</td>
<td>Listen effectively to others, with a view to extracting relevant information, identifying gaps in information and / or distilling key points in order to form a coherent critique.</td>
<td>This skill is practiced extensively in lectures (where students must listen effectively to the tutor) and small group sessions (where they must also listen to their peers).</td>
<td>The ability to listen effectively to others is initially assessed in the induction module, followed by narrative assessment in the foundation modules thereafter.</td>
</tr>
<tr>
<td>3</td>
<td>Advise clients appropriately as to possible offences with which they could be charged; the strength of the case against them; and any potential defences which may be available.</td>
<td>This is an important skill and is practiced in all of the small group sessions which require the students to orally present their analysis in the context of giving appropriate advice. Within the initial lectures and small group sessions, students are supplied with specific guidance on how to complete a legal analysis. Thereafter no guidance on the problem-based question is provided in advance of the small group session and each session is student-led.</td>
<td>Both of the mock assessments which students complete are problem-based. Students may participate in workshops (delivered both on the virtual learning environment (VLE) and in live large group session which focus on practicing analytical skills using previously unseen problem-based questions All seven questions in the final examination paper are problem-based.</td>
</tr>
<tr>
<td>S6</td>
<td>Conduct independent legal research into new areas within the discipline, using hard copy and electronic resources and covering both primary and</td>
<td>This skill is specifically addressed through the Research small group session for the offence of Blackmail.</td>
<td>This skill is chiefly assessed through the Independent Research Essay, completed elsewhere on the programme.</td>
</tr>
</tbody>
</table>
General Transferable Skills

<table>
<thead>
<tr>
<th>Ref</th>
<th>D. Students should be able to:</th>
<th>Learning and teaching strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Approach a problem logically, analyse complex factual scenarios and evaluate a range of solutions.</td>
<td>This skill is chiefly developed through the use of problem-based questions and case studies, which develop students’ ability to deal with these matters within a practical arena.</td>
<td>This skill is tested on a weekly basis during the small group sessions. Both mock assessments are centred on problem-based questions. The final examination is centred on problem-based questions.</td>
</tr>
<tr>
<td>T2</td>
<td>Evaluate the strengths and weaknesses of their own arguments as well as those of others.</td>
<td>This skill is developed through preparation for and active participation in both the lectures and the small group sessions. During small group sessions students are exposed to a wide variety of both academic and judicial arguments, which they must evaluate alongside their peers.</td>
<td>The ability to perform this skill orally is narratively assessed in small group sessions.</td>
</tr>
<tr>
<td>T3</td>
<td>Work effectively in groups, cooperatively as well as competitively.</td>
<td>These skills are developed on an ongoing basis in small group sessions which often involve mooting and debating exercises.</td>
<td>These skills are initially assessed in the induction module, followed by narrative assessment in the foundation modules thereafter.</td>
</tr>
<tr>
<td>T4</td>
<td>Communicate arguments coherently and effectively both orally and in writing.</td>
<td>The skill of oral communication is practiced extensively in every small group session through student led group discussion. Written communication skills are honed through the mock assessment programme and summatively assessed in the final examination.</td>
<td>Written communication skills are formatively assessed through the mock assessment programme and summatively assessed in the final examination. Oral communication</td>
</tr>
</tbody>
</table>
programme in every module, upon which extensive feedback is provided.  

skills are initially assessed in the induction module, followed by narrative assessment in the foundation modules thereafter.  

Students may participate in workshops (delivered both on the virtual learning environment (VLE) and in live large group session which focus on practicing analytical skills using previously unseen problem-based questions  

<p>| | | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>T5</td>
<td><strong>Use information technology in the conduct of legal research and communication of findings.</strong></td>
<td>This skill is specifically addressed through the Research Tutorial for the offence of Blackmail.</td>
</tr>
</tbody>
</table>

**RATIONALE & DELIVERY**

**Delivery of Teaching**

Teaching consists of one tutorial and one lecture per week. In addition, students can attend a weekly consolidation session.

**Mode of Assessment**

**Formative Assessment**

Two practice assessments per year: 1,500 answers to essay and / or problem questions.

**Summative Assessment**

Unseen timed examination: three hour paper in which the students have to answer three from seven questions.

The assessments are marked according to the Level 6 Marking Criteria.
Resources

Existing GDL teaching staff will be capable of holding the tutorials and lectures.

Indicative Reading List

Core reading
Smith & Hogan: Criminal Law, Oxford Uni Press, 11th ed. (10 July 2014)
BPP’s Cases & Materials on Criminal Law

Criminal Law

Lectures

Part I The Basic Elements of Criminal Liability
Introduction to the basic principles of criminal liability:

- Definition of a criminal offence
- Distinction between Criminal and Civil Law
- Introduction to the process of legal reasoning
- Elements of a criminal offence Actus Reus, Mens Rea and Defences
- Co-incidence of actus reus and mens rea
- Transferred malice

Causation

- Factual Causation
- Legal Causation

Omissions

- Establishing a legal duty to act for failing to act

Mens Rea - Intention and Recklessness

- Establishing the modern meaning for 'intention' and 'reckless' mens rea

Part II Non-Fatal offences against the person

- Assault
- Battery
- Assault occasioning Actual bodily harm - s 47 Offences Against the Person Act 1861
- Wounding or causing/inflicting grievous bodily harm - ss 18 & 20 OAPA
- Maliciously administering poison or other noxious thing - ss 23 & 24 OAPA

Part III Defences

- Intoxication
- Consent
- Self-Defence
- Duress by threats
- Duress of circumstance
- Necessity

**Part IV Fatal Offences Against the Person**

**Homicide I**
- Murder
- Loss of Control
- Diminished responsibility

**Homicide II**
- Involuntary Manslaughter:
  - Unlawful Act Manslaughter
  - Gross negligence manslaughter

**Part V Participation**

**Inchoate offences**
- Conspiracy to commit an offence - s 1(1) Criminal Law Act 1977
- Common Law Conspiracy
- Attempted Offences - s 1 Criminal Attempts Act 1981
- The effect of impossibility on inchoate offences

**Part VI Property Offences**

**Criminal Damage**
- Basic criminal damage - s 1(1) Criminal Damage Act 1971
- Aggravated criminal damage - s 1(2) CDA
- Arson - s 1(3) CDA
- Threat to commit criminal damage - s2 CSA
- Possession with intention to damage or destroy property - s 3 CDA

**Theft**
- Issues relating to ss 1 - 6 Theft Act 1968

**Other Theft Act Offences**
- Robbery - s 8 TA 1968
- Burglary - s 9(1)(a) & (b) TA 1968
- Aggravated Burglary - s 10 TA 1968
- Blackmail - s 21 TA 1968
Tutorials

Part I  The basic elements of criminal liability
  o An introduction to the basic principles of criminal liability.
    o Concentration on how to study law. Analysis of ‘ingredients’ of criminal offences.
  o Causation
    o Analysis and application of the rules on causation.
  o Omissions
    o Discussion of the general rule against liability for an omission to act in criminal law
    o Discussion of the exceptions within which such an omission will give rise to criminal liability
    o Discussion of the policy issues arising in the law of omissions
    o Analysis and application of the rules of omissions
  o Mens Rea
    o Consideration of the different types of mens rea.
    o General discussion and application of rules on direct intention
    o Analysis and application of oblique intent

  • Developing and extending the basic principles studied thus far. Consideration given of how the law deals with situations where the defendants acts are aimed at someone/thing other than the victim - Transferred malice

  • What is the position in law where there appears to be no coincidence of Actus Reus and Mens Rea

Part II  Non-fatal offences against the person
Analysis and application of:
  • Assault
  • Battery
  • Assault occasioning actual bodily harm
  • Wounding and inflicting/causing grievous bodily harm
• maliciously administering a poison or noxious substance

Part III Defences
Consideration of some general defences available to justify one’s actions:
• Voluntary intoxication
• Involuntary intoxication
• Consent
• Self Defence
• Duress by threats

Further consideration of the current view/approach on the defences of
• Duress of circumstance
• Necessity

Part IV Fatal Offences Against the Person
Homicide I
• Murder
  • Analysis the special defences available to charge of murder only, Loss of Control and Diminished responsibility. Includes consideration of how a defendant’s intoxication would affect the availability of these defences

Homicide II
• Discussion of the two types on involuntary manslaughter and the requirements to be held for either of these offences.
  • Will consider the law relating to unlawful act of manslaughter and manslaughter by gross negligence

Part V Participation
Inchoate offences
• Developing and expanding understanding of law when dealing with incomplete offences. Discussion of stages when defendant will incur liability and for what will include:
  • Conspiracy
• Attempt

Part VI Property Offences

An application of the basic principles of criminal law

Criminal damage
  o Criminal damage (s1 Criminal Damage Act 1971)
  o Aggravated criminal damage (s1(2) Criminal Damage Act 1971)
  o Arson (Basic and Aggravated)
  o Defences

Theft
  • Issues relating to ss.1 – 6 Theft Act 1968

Other Theft Act offences
  • Robbery
  • Burglary
  • Blackmail
5.5 English Legal System and Method

<table>
<thead>
<tr>
<th>School</th>
<th>Law School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level</td>
<td>Level 4/6*</td>
</tr>
<tr>
<td>Credit Value</td>
<td>15 Credits*</td>
</tr>
<tr>
<td>Contact Hours</td>
<td>4.5 hours (tutorials) 3 hours (lectures) 2 hours (workshops)</td>
</tr>
<tr>
<td>Programme</td>
<td>Graduate Diploma in Law</td>
</tr>
<tr>
<td>Module Leader</td>
<td>Katharine Matheson</td>
</tr>
</tbody>
</table>

* Note: the ELS test does not form part of the overall aggregate for the GDL itself: students are simply required to pass the assessment. The Case Analysis test and Statute Analysis test also form part of the English Legal System module, although students continue to practice the skills for these assessments throughout their studies and take these assessments at the end of the year.

The ELS module at the start of the programme is taught at level 4 and the ELS test is assessed at that level. As the students develop their skills in statute and case analysis on the core modules (taught at level 6) the Case and Statute Analysis tests are assessed at level 6

**MODULE LEARNING OUTCOMES**

Knowledge and Understanding

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to demonstrate a:</th>
<th>Teaching and learning strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>K1</td>
<td>Knowledge of the sources of English law, including an appreciation of the relationship between national and community law.</td>
<td>The sources of English law and the relationship between national and community law are covered in directed pre-reading and in the first lecture of the module. In an introductory small group session, students are divided into teams and directed to work together in preparation for Small Group Session 1. This takes the form of an interactive quiz, testing students’ ability to work cooperatively in</td>
<td>This knowledge is formatively assessed through online mock ELS tests and summatively assessed in the ELS Test which is completed at the end of the module.</td>
</tr>
</tbody>
</table>
demonstrating knowledge of the sources of English law.

After each section of this exercise, the tutor conducts a brief plenary on the material covered.

<table>
<thead>
<tr>
<th>K2</th>
<th>Knowledge of the structure of the English legal system, including personnel, hierarchy, the appeals process and the doctrine of precedent.</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>This material is covered in directed pre-reading and in the three lectures on the module.</td>
</tr>
<tr>
<td></td>
<td>It is also covered in Small Group Sessions 1 and 3. For an outline of SGS 1, see above.</td>
</tr>
<tr>
<td></td>
<td>SGS 3 involves consideration of a case, which students analyse in the context of pre-prepared questions.</td>
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<tr>
<td></td>
<td>See A1 above.</td>
</tr>
</tbody>
</table>

### Cognitive Skills

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Teaching and learning strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Analyse cases, discerning the material facts, ratio decidendi and obiter dicta and derive appropriate conclusions.</td>
<td>Relevant material is covered in the first and third lectures on the module and in pre-directed reading. The skill of case analysis is practiced in SGS 3, the content of which is covered at A2 above. This skill is further developed in SGSs across the seven foundation modules.</td>
<td>This skill is formatively assessed in mock case analysis tests available online and summatively assessed in the Case Analysis Test. This is a multiple choice test.</td>
</tr>
<tr>
<td>C2</td>
<td>Analyse and apply</td>
<td>Statutory interpretation is covered in the second</td>
<td>This skill is formatively assessed in mock</td>
</tr>
<tr>
<td>statutes.</td>
<td>lecture on the module and SGS 2. The first part of SGS 2 involves consideration of two short sections of a statute, which students analyse and apply in the context of pre-prepared questions. The second half involves consideration of a more complicated statutory provision which involves an analysis of how the subsections interact. This is also done in the context of pre-prepared questions requiring the students to apply the statute. This skill is further developed in SGSs across the seven foundation modules.</td>
<td>statute analysis tests available online and summatively assessed in the Statute Analysis Test. This is a multiple choice test.</td>
<td></td>
</tr>
</tbody>
</table>

**Professional Skills and Attitudes**

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Learning and teaching strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>S1</td>
<td>Listen effectively to others, with a view to extracting relevant information, identifying gaps in information and / or distilling key points in order to form a coherent critique.</td>
<td>This skill is practiced and developed during the three SGSs. It is further developed in similar exercises in SGSs (specifically the Law in Action SGSs) within the seven foundation modules.</td>
<td></td>
</tr>
</tbody>
</table>

**General Transferable Skills**

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Learning and teaching strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Work effectively in groups, cooperatively as well as competitively.</td>
<td>This skill is practiced and developed in SGSs 1-3 set out above, in which students will be required to work with their peers</td>
<td></td>
</tr>
</tbody>
</table>
to prepare for a quiz and answer questions on the case and statutes. It is further developed in similar exercises in SGSs (specifically the Law in Action SGSs) within the seven foundation modules.

| T2 | Communicate arguments coherently and effectively orally. | See D1 above. |

RATIONALE & DELIVERY

Delivery of Teaching

The majority of classes take place in the first two weeks of the GDL.

In week 1, students have three lectures:

- English Legal System:
  - Development of Common Law and Equity
  - Court Structure
  - Sources of Law
- Statutory Interpretation
- Case Analysis and the Doctrine of Precedent

Over the two weeks of the module, students have three 90 minute tutorials, each relating to one of the lectures above.

Over the course of their studies on the GDL, students develop their skills of case analysis and statutory interpretation in all the modules they study. Students are also able to attend two workshops, one in case analysis and one in statute analysis before sitting these assessments.

Mode of Assessment

Formative Assessment

ELS Test: practice online multiple choice test.

Case Analysis And Statute Analysis Tests: online practice tests based on past papers

Summative Assessment

ELS test: online multiple choice test lasting one hour. This is taken at the end of the ELS module.
Case Analysis Test (CAT: online multiple choice test lasting 90 minutes, based on a judgment previously published to students

Statute Analysis Test (SAT): online multiple choice test lasting 90 minutes, based on a statute previously published to students

The CAT and SAT are taken at the end of the year.

The assessments are marked according to the Level 6 Marking Criteria.

Resources

Existing GDL teaching staff will be capable of holding the tutorials and lectures.

Indicative Reading List

Core reading


English Legal System and Legal Method (the Induction Course)

Content and curriculum

1. The English Legal System: sources of law, the court system, the doctrine of precedent.

2. Study skills: legal research, legal writing, statutory interpretation, case analysis.

Lectures

Historical Development and Sources of English Law

1. Introduction to historical background
2. Early forms of action
3. Court of Chancery and equity
4. The common law
5. Sources of law
6. Court system

Statutory Interpretation

1. Methods of statutory interpretation
2. Linguistic presumptions
3. Statutory presumptions
4. Additional aids

**Doctrine of Precedent**

1. *Stare decisis*
2. *res judicata*
3. distinguish between binding and persuasive precedent (including *ratio decidendi* and *obiter dicta*)
4. Hierarchy of the courts

**Legal Writing**

1. Essay Writing
2. Answering Problem Questions
3. Feedback

**Academic Practice and Referencing**

1. How to avoid plagiarism
2. Referencing

**IT and Library**

1. Introduction to the library space and services
2. Introduction to the Online Library area within the VLE
3. Introduction to legal research, with focus on online databases

**Tutorials**

**Sources of Law**

1. Explain the sources of English and European law
2. Distinguish between civil and criminal law
3. Distinguish between common law and equity
4. Describe the hierarchy of courts

**Statute Analysis**
Formative statutory analysis assessment on sections of The Theft Act 1968 and The Mental Health Act 1983

1. Analysing a section of a statute
2. Analysing interacting sections of a statute.
4. Using linguistic presumptions and other aids to statutory interpretation.
5. Application of the statute to a set of facts.

Case Analysis


1. Understanding the history of the case.
2. Identifying the material facts.
3. Identifying the *ratio decidendi* and *obiter dicta*.
4. Understanding how the rules of precedent work.
5. Application of the case to a new set of facts.

IT and Library (online on the VLE)

Library research exercises: guidance on and practice in using the online databases

Revision Workshops

1. Formative case analysis on *Parker v British Airways Board*, with emphasis of the application of the case to different sets of facts.
5.6 Law of Equity and Trusts

<table>
<thead>
<tr>
<th>School</th>
<th>Law School</th>
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<tbody>
<tr>
<td>Level</td>
<td>Level 6</td>
</tr>
<tr>
<td>Credit Value</td>
<td>20 Credits</td>
</tr>
</tbody>
</table>

| Contact Hours | 18 hours (tutorials)  
19 hours (lectures)  
18 hours (workshops)  
4 hours (revision lectures) |

<table>
<thead>
<tr>
<th>Programme</th>
<th>Graduate Diploma in Law</th>
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<tbody>
<tr>
<td>Module Leader</td>
<td>Matthew Carn</td>
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</table>

**MODULE LEARNING OUTCOMES**

**Knowledge and Understanding**

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to demonstrate a:</th>
<th>Teaching and learning strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
</table>
| K1  | Detailed knowledge and systematic understanding of the principles governing the creation of valid express private trusts. | Creation of express private trusts is covered in a series of seven lectures and seven small group sessions.  
The lectures begin with two introductory lectures, setting out the outline of the module and introducing the fundamental principles of equity and the concept of the trust.  
The small group sessions utilise a number of techniques, including: short discussion questions (formalities); problem-based questions (introduction, the three certainties, secret trusts, and private purpose trusts); and analysis of unseen problem | Students submit one mock assessment in this area.  
Questions in the final examination paper deal explicitly with these areas. |
<table>
<thead>
<tr>
<th>K2</th>
<th>Detailed knowledge, systematic understanding and critical appreciation of the ongoing development of resulting and constructive trust principles, their relationship with each other and the proposals for reform of the law relating to cohabitees.</th>
<th>These are covered in two lectures and two small group sessions.</th>
<th>Students submit one mock assessment in this area.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The lectures focus on the academic foundation of implied trusts and the role of resulting and constructive trusts in determining rights of cohabitees in the shared home.</td>
<td>The small group sessions cover resulting trusts in the commercial context (focusing on Quistclose trusts) and resulting and constructive trusts in the context of the shared home. The resulting trusts tutorial is a Law in Action tutorial, requiring students to undertake independent research into the law on Quistclose trusts and present their findings in class in the form of a mock trial. The tutorials on the role of implied trusts in the shared home utilise group analysis of problem-based questions and a debate on proposals for reform of the law.</td>
<td>At least one question in the final examination paper deals explicitly with these areas.</td>
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<table>
<thead>
<tr>
<th>K3</th>
<th>Detailed knowledge and systematic understanding of the duties and powers of trustees and other fiduciaries and appropriate remedies and defences for breach.</th>
<th>Management, administration, breach and liability are covered in a series of nine lectures and nine small group sessions.</th>
<th>At least three questions in the final examination paper deal explicitly with these areas.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The lectures begin by considering the fiduciary duties of trustees and then move on to look at trustees’ statutory powers</td>
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</tr>
</tbody>
</table>
of investment and maintenance and advancement. There is then one lecture covering liability for breach of trust followed by three lectures considering proprietary remedies for breach of trust or fiduciary duties and personal liability of strangers to the trust. The series of lectures ends with two lectures considering the general equitable remedies available, focusing on injunctions and specific performance and drawing links to the other Modules studied as part of the programme.

The small group sessions mirror this structure, utilising the techniques of group analysis of problem-based questions, a case analysis session on liability of strangers and an unseen question on equitable remedies.

<table>
<thead>
<tr>
<th>K4</th>
<th>Detailed knowledge and critical understanding of the role of trusts and the impact of equity in the private and commercial spheres, the areas in need of reform and the arguments for and against reform.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This is taught pervasively through all the lectures and small group sessions and is specifically dealt with in the lectures and small group sessions on resulting trusts, implied trusts of the home and liability of strangers.</td>
</tr>
<tr>
<td></td>
<td>Students may submit one mock assessment in the form of an essay.</td>
</tr>
<tr>
<td></td>
<td>One question on the final examination paper is an essay question centring on the role of equity and trusts. This will typically be set in an area where the law is in a state of flux or has undergone significant reform, such as fiduciary duties and implied trusts of the home. In addition, all problem questions on</td>
</tr>
</tbody>
</table>
Cognitive Skills

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Teaching and learning strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
</table>
| C1  | Analyse a large quantity of complex data relating to a trust rapidly and use appropriate techniques to draw practical conclusions. | The majority of the small group sessions utilise problem-based questions as their main discussion tool.  
These typically contain a complex factual matrix involving multiple parties and issues, which students must analyse individually (before the session) and in groups (during the session). | At least one of the mock assessments which students complete is problem-based.  
Six of the seven questions in the final examination paper are problem-based. |
| C2  | Critically evaluate and synthesise doctrinal arguments surrounding particular areas of trusts law and construct a coherent argument from relevant data. | This is chiefly practised in areas which are naturally more discursive and require detailed analysis of doctrinal academic argument.  
The lectures and tutorials covering resulting trusts, implied trusts of the home and liability of strangers in particular all contain scope for the discussion of doctrinal argument, based around essay questions, debates, mock trials and research and presentation exercises. | Students may submit one mock assessment in the form of an essay.  
One question on the final examination paper is an essay question centring on critical analysis of a particular area of law. |
| C3  | Evaluate complex and contradictory data and make a reasoned choice between alternative positions and solutions. | As in B2 above, this skill is chiefly practiced in areas lending themselves to discursive analysis of apparently contradictory source material. | The mock assessment and question in the final examination paper set in essay form typically invite students to critically analyse |
Examples are the Law in Action tutorial on resulting trusts, calling for detailed analysis of the case law on *Quistclose* trusts, the case analysis tutorial on liability of strangers, requiring analysis of the case law on knowing receipt and dishonest assistance, and the debate on implied trusts of the home, requiring consideration of the argument put forward both for and against reform of the law relating to cohabittees.

C4 Apply their knowledge of equity and trusts to complex factual matrices in order to provide clear and coherent solutions to given problems. The problem-based question tool utilised in the majority of tutorials requires students to apply their knowledge of trusts law to complex factual matrices and advise hypothetical clients as to their legal position. This is also developed in the Law in Action tutorial on resulting trusts, where students are required to carry out independent research, develop arguments for or against imposition of a trust in a fictional case and present their arguments in class in the form of a mock trial. At least one of the mock assessments which students complete is problem-based. Six of the seven questions in the final examination paper are problem-based.

### Professional Skills and Attitudes

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Learning and teaching strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Advise clients appropriately as to possible remedies in a dispute.</td>
<td>The problem-based question tool utilised in the majority of tutorials requires students to apply their knowledge of trusts law to complex factual matrices and</td>
<td>At least one of the mock assessments which students complete is problem-based.</td>
</tr>
</tbody>
</table>
advise hypothetical clients as to their legal position.  
No guidance on the problem-based question is provided in advance of the small group session and each session is student-led.

| C2 | Listen effectively to others, with a view to extracting relevant information, identifying gaps in information and / or distilling key points in order to form a coherent critique. | This skill is practiced extensively in lectures (where students must listen effectively to the lecturer) and small group sessions (where they must also listen to their peers). It is particularly relevant in the Law in Action tutorial on resulting trusts, where students engage in a mock trial, and the case analysis tutorial on the liability of strangers. | The ability to listen effectively is initially assessed in the induction module, followed by narrative assessment in the foundation modules thereafter. |

| C3 | Conduct independent legal research into new areas within the discipline, using hard copy and electronic resources and covering both primary and secondary sources. | This skill is specifically addressed through the Law in Action tutorial on resulting trusts. | This skill is chiefly assessed through the Independent Research Essay, completed elsewhere on the programme, but is also indirectly assessed in the final examination paper in the essay question. |

**General Transferable Skills**

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Learning and teaching strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>S1</td>
<td>Demonstrate a sense of personal responsibility for their own learning.</td>
<td>This skill is particularly developed through the Law in Action tutorial on resulting trusts. Given the intensity of the GDL programme, this skill is also developed</td>
<td>This skill is chiefly assessed through an Independent Research Essay, completed elsewhere on the programme.</td>
</tr>
</tbody>
</table>
### S1

Through the need for effective time management and personal organisation in relation to private study. Students are expected to prepare well for all tutorials; if this is not done then the effectiveness of the small group session is limited.

### S2

**Critique their own progress and arguments and apply concepts learned in one area to another.**

This skill is practiced in every small group session on the module, through the tools of group discussion and feedback. It is also particularly developed in the unseen question tutorial on formalities and constitution. Students mark their own answers after tutorial to an unseen exam question attempted in class.

The ability to reflect on students' own progress is chiefly assessed through the Independent Research Essay, completed elsewhere on the programme.

### S3

**Work effectively in groups, cooperatively as well as competitively.**

The skill of working cooperatively in groups is practiced in every small group session on the module.

The skill of working competitively is specifically addressed in the mock trial exercise in the Law in Action tutorial and in the debates on charities and implied trusts of the home.

These skills are initially assessed in the induction module, followed by narrative assessment in the foundation modules thereafter.

### S4

**Communicate arguments coherently and effectively both orally and in writing.**

The skill of oral communication is practiced extensively in every small group session through student led group discussion and individual and group presentations.

Written communication skills are formatively assessed through the mock assessment programme and summatively assessed in the final examination.

Oral communication
skills are honed through the mock assessment programme in every module, upon which extensive feedback is provided.

skills are initially assessed in the induction module, followed by narrative assessment in the foundation modules thereafter.

S6 Use information technology in the conduct of legal research and communication of findings.

This skill is specifically addressed through the Law in Action tutorial on resulting trusts.

This skill is chiefly assessed through the Independent Research Essay, completed elsewhere on the programme.

**RATIONALE & DELIVERY**

**Delivery of Teaching**

Teaching consists of one tutorial and one lecture per week. In addition, students can attend a weekly consolidation session.

**Mode of Assessment**

**Formative Assessment**

Two practice assessments per year: 1,500 answers to problem questions

**Summative Assessment**

Unseen timed examination: three hour paper in which the students have to answer three from seven questions.

The assessments are marked according to the Level 6 Marking Criteria.

**Resources**

Existing GDL teaching staff will be capable of holding the tutorials and lectures.

**Indicative Reading List**

**Core reading**


BPP’s Cases & Materials on Equity and Trusts
Law of Equity & Trusts

Content and curriculum

The module is split into six parts and comprises 17 topics.

Part 1 concentrates on the fundamental principles of equity. This Part begins with a brief introduction to equity and the concept of the trust, focusing on the nature of the trust relationship and the rights and duties it creates.

Part 2 looks at the creation of express private trusts. This Part starts by looking at the three essential requirements for creation of a valid express private trust – certainties, formalities and constitution. Students will then move on to look at specific types of express private trusts where these validity requirements are modified or do not apply – secret trusts, private purpose trusts, gifts to unincorporated associations and charitable trusts.

Part 3 looks at implied trusts. This Part starts by looking at one of the key types of implied trusts – resulting trusts. Students will then move on to examine resulting trusts and also constructive trusts in detail in the specific context of the shared home. Students will end Part 3 by examining a problem scenario involving the provision of advice to clients relating to implied trusts of the home.

Part 4 examines the administration of trusts, concentrating on trustees’ powers and duties during the lifetime of a trust. This Part begins by looking at the fiduciary nature of trusteeship and the diverse range of fiduciary duties. Students will then focus more specifically on the administrative duties of trustees, looking at the basic elements of administration and the key powers of maintenance, advancement and investment.

Part 5 looks at breach of trust and liability for breaches. This Part focuses on the different types of claim a beneficiary can make following a breach of trust (personal and proprietary) and the people he/she can claim against, both trustees and strangers to the trust.

Part 6 examines in detail equitable remedies, in particular specific performance and injunctions.

Lectures

Introduction to Equity and Trusts
- Development of Equity
- Relationship with Common Law
- Maxims of Equity
- The use of Trusts

Introduction to Trusts
- Development of the trust
- Legal and equitable ownership
• Classification of trusts
• Types of private trusts
• Comparisons with powers of appointment

The Three Certainties
  o Certainty of intention
  o Certainty of subject matter
  o Certainty of objects:
    • list test
    • is/is not test
    • conceptual and evidential certainty
    • administrative workability

Formalities
• Informal declarations
• Trusts of land – s 52(1)(b) LPA 1925
• Dealing with subsisting equitable interests – s 53(1)(c) LPA 1925 and application to different methods

Constitution of Trusts
• Milroy v Lord and incomplete gifts and trusts
• Exceptions

Secret Trusts
• s 9 Wills Act 1837
• Reasons for and methods of creation
• Validity and Justification – ‘fraud’ theory and ‘outside will’ theory
• Requirements for fully secret trusts
• Different communication requirements for half secret trusts
• Unresolved issues, ‘express’ or ‘constructive’ and secret trusts of land

Private Purpose Trusts
• Beneficiary principle
• Links with certainty
• Perpetuity implications
• Anomalous exceptions
• Apparent Exceptions: Denley type trusts
Unincorporated Associations
- Validity of gifts/trusts for unincorporated associations such as clubs, societies
- Division of funds on dissolution:
  - resulting trust basis
  - contractual basis
  - bona vacantia

Resulting Trusts and Constructive Trusts
1. Resulting Trusts – general propositions
2. ‘Automatic’ resulting trusts
   - Quistclose trusts
   - Other examples
3. ‘Presumed’ resulting trusts:
   - voluntary conveyance
   - purchase money resulting trusts and presumptions
4. Constructive Trusts:
   - categories
   - remedial constructive trusts

Implied Trusts of the Home
- Resulting trusts
- Express common intention constructive trusts
- Inferred common intention constructive trusts
- Relationship to proprietary estoppel
- Size of interest
- Reform

Trustees’ Fiduciary Duties
- Fiduciary relationships
- Remuneration
- Self-dealing
- Competing
- Accounting for incidental profits
- Remedies for breach

Investment and Maintenance and Advancement
- Trustee Act 2000
• Investment duties
• Non-financial considerations
• Delegation of investment powers
• Causation and measure of liability in investments breaches
• Delegation – Trustee Act 2000
  1. Delegable and non-delegable tasks
  2. Duties when delegating
  3. Liability for acts or defaults of agent
• Maintenance: s. 31 Trustee Act 1925
  • powers of maintenance
  • beneficiary over 18
  • accumulations
• s. 32 Trustee Act 1925: powers of advancement
• ss 9-14 Inheritance and Trustees' Powers Act 2014

Breach of Trust
  1. Breach of Trust, Personal Liability and Defences
     a) Liability for own defaults
     b) Liability of trustees inter se
     c) Defences

Tracing
  Introduction to tracing and proprietary remedies
  1. Tracing at Common Law:
     a) basic principles
     b) change of position defence
     c) limits
  2. Tracing in Equity:
     a) fiduciary relationship
     b) extension to commercial sphere
     c) tracing the property – unmixed or mixed
     d) tracing into hands of transferees
     e) loss of right to trace and claim
f) *Re Diplock* personal action

**Liability of Strangers**
1. Trustee de son tort
2. Recipient liability – knowing receipt and dealing
3. Accessory Liability – dishonest assistance

**Equitable Remedies**
1. Discretionary nature
2. Specific Performance
3. Injunctions:
   a) injunctions generally
   b) Interim Injunctions
   c) Search Orders
   d) Freezing Injunctions
4. Account
5.7 Law of the European Union

<table>
<thead>
<tr>
<th>School</th>
<th>Law School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 6</td>
<td>15 Credits</td>
</tr>
</tbody>
</table>

| Contact Hours | 9 hours (tutorials) | 10 hours (lectures) | 9 hours (workshops) |

<table>
<thead>
<tr>
<th>Programme</th>
<th>Graduate Diploma in Law</th>
</tr>
</thead>
</table>

| Module Leader | Karl Sharp |

**MODULE LEARNING OUTCOMES**

Knowledge and Understanding

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to demonstrate:</th>
<th>Teaching and learning strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>K1</td>
<td>Knowledge and understanding of the history of the EU, its institutions and the sources of EU law.</td>
<td>These are covered in the first lecture.</td>
<td>This is taught as a background topic and so is not assessed directly in the final EU law examination. However, it may inform other matters which are assessed directly in the final EU law examination.</td>
</tr>
<tr>
<td></td>
<td>A self-study exercise is posted on the Virtual Learning Environment (VLE) which students can undertake in their own time.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>K2</td>
<td>Detailed knowledge and systematic understanding of the legal principles governing the conditions under which individuals can rely on EU law in the national courts of the Member States.</td>
<td>These are covered in two lectures and two tutorials.</td>
<td>Questions in the final examination deal explicitly with these areas.</td>
</tr>
<tr>
<td></td>
<td>The lectures cover the requirements for direct effect, indirect effect and state liability.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The tutorials mirror this, utilising techniques of group analysis of problem-based questions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>K3</td>
<td>Detailed knowledge and systematic understanding of the legal principles governing the free</td>
<td>These are covered in two lectures and two tutorials.</td>
<td>Questions in the final examination deal explicitly with these areas.</td>
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<tr>
<td></td>
<td></td>
<td>The lectures cover the</td>
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<table>
<thead>
<tr>
<th>K4</th>
<th>Detailed knowledge and systematic understanding of the legal principles governing the free movement of persons in the EU.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This is covered in one lecture and one tutorial.</td>
</tr>
<tr>
<td></td>
<td>The lecture covers the law governing free movement of workers, Union citizens and their family members including the right of entry and residence, employment rights and social rights (Articles 20, 21 and 45 TFEU together with Directive 2004/38 and Regulation 492/2011).</td>
</tr>
<tr>
<td></td>
<td>The tutorials mirror this, utilising techniques of group analysis of problem-based questions.</td>
</tr>
<tr>
<td></td>
<td>Questions in the final examination deal explicitly with these areas.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>K5</th>
<th>Detailed knowledge and systematic understanding of the legal principles governing freedom of establishment and the freedom to provide services in the EU.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>These are covered in one lecture and one tutorial.</td>
</tr>
<tr>
<td></td>
<td>The lecture covers the law governing freedom of establishment (Articles 49 to 55 TFEU) and the freedom to provide services (Article 56 to 62 TFEU and Directive 2006/123).</td>
</tr>
<tr>
<td></td>
<td>The tutorial mirrors, utilising techniques of group analysis of problem-based questions.</td>
</tr>
<tr>
<td></td>
<td>Questions in the final examination deal explicitly with these areas.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>K6</th>
<th>Detailed knowledge and systematic understanding of legal principles</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This is covered in a series of two lectures and two</td>
</tr>
<tr>
<td></td>
<td>Questions in the final examination deal explicitly with these areas.</td>
</tr>
</tbody>
</table>
governing competition in the EU.

The lectures cover the law relating to anti-competitive collusion (Article 101 TFEU) and relating to abuse of a dominant position (Article 102 TFEU).

The two tutorials mirror this, utilising techniques of group analysis of problem-based questions.

Cognitive Skills

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to</th>
<th>Teaching and learning strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Analyse a large quantity of complex data relating to EU law rapidly and use appropriate techniques to draw practical conclusions.</td>
<td>The tutorials utilise problem-based questions as their main discussion tool. These typically contain a complex factual matrix involving multiple parties and issues which students must analyse individually (before the session) and in groups (during the session).</td>
<td>The mock assessment will be problem based. The final summative assessment is the EU MCT examination. This is a multiple choice assessment which will include problem questions.</td>
</tr>
<tr>
<td>C2</td>
<td>Apply their knowledge of EU law to complex factual matrices in order to provide clear and coherent solutions to given problems.</td>
<td>The problem-based question tool utilised in the majority of tutorials requires students to apply their knowledge of EU law to complex factual matrices and advise hypothetical clients as to their legal position.</td>
<td>The mock assessment will be problem based. The final summative assessment is the EU MCT examination which will include problem questions.</td>
</tr>
</tbody>
</table>

Professional Skills and Attitudes

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Learning and teaching strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>S1</td>
<td>Advise clients</td>
<td>The problem-based</td>
<td>The mock assessment</td>
</tr>
</tbody>
</table>
appropriately as to possible remedies in an EU law dispute.

question tool utilised in the tutorials requires students to apply their knowledge of EU law to complex factual matrices and advise hypothetical clients as to their legal position.

No guidance on the problem-based question is provided in advance of the tutorial and each session is student-led.

The EU MCT examination is a final summative assessment which will include problem questions.

| S2 | Listen effectively to others with a view to extracting relevant information, identifying gaps in information and/or distilling key points in order to form a coherent critique. | This skill is practiced extensively in lectures (where students must listen effectively to the tutor) and tutorials (where they must also listen to their peers). | The ability to listen effectively in lectures and tutorials is assessed in the final EU law MCT examination. |

General Transferable Skills

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Learning and teaching strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Demonstrate a sense of personal responsibility for their learning.</td>
<td>Given the intensity of the GDL programme, this skill is also developed through the need for effective time management and personal organisation in relation to private study for EU law and the other modules on the programme.</td>
<td>This skill is chiefly assessed through an Independent Research Essay which is completed elsewhere on the programme.</td>
</tr>
<tr>
<td>T2</td>
<td>Critique their own progress and arguments and apply concepts learned in one area to another.</td>
<td>This skill is practiced in every small group session on the module through the tools of group discussion and tutor feedback.</td>
<td>The ability to reflect on students’ own progress is chiefly assessed through the Independent Research Essay which is completed elsewhere on the programme.</td>
</tr>
<tr>
<td>T3</td>
<td>Communicate arguments coherently and effectively both orally and in writing.</td>
<td>The skill of oral communication is practiced extensively in every tutorial through</td>
<td>Written communication skills are formatively assessed through the mock assessment</td>
</tr>
</tbody>
</table>
student led group discussion.
Written communication skills are honed through extensive feedback provided to the mock assessment programme in EU law and other modules on the GDL programme.

**RATIONALE & DELIVERY**

**Delivery of Teaching**

Teaching consists of one tutorial and one lecture per week. In addition, students can attend a weekly consolidation session.

**Mode of Assessment**

**Formative Assessment**

Online Multiple Choice Practice test

**Summative Assessment**

Online Invigilated Multiple Choice test (90 minutes): closed book

The assessments are marked according to the Level 6 Marking Criteria.

**Resources**

Existing GDL teaching staff will be capable of holding the tutorials and lectures.

**Indicative Reading List**

**Core reading**

BPP’s Cases & Materials on EU Law
Law of the European Union

Content and Curriculum

The general aim of the course is to ensure the students are familiar with principal elements of European Union law.

**Introduction to EU law** (Lecture Only)
1. The Historical Development of the EU
2. The Institutions of the EU
3. The Acts and Sources of EU Law

**EU Law and National Law**
1. The Supremacy of EU Law

2. Direct Effect:
   a) The Concept of Direct Effect and How It Differs From Direct Applicability
   b) The *Van Gend en Loos* Case
   c) The Criteria for Direct Effect for:
      i) Treaty Articles
      ii) Regulations
      iii) Decisions
      iv) Directives

3. Indirect Effect
   a) The Establishment of Indirect Effect in *Von Colson*
   b) Its Development in *Marleasing* and Other Cases

4. State Liability
   a) The Establishment of State Liability in *Francovich*
   b) Its Development in *Brasserie Du Pêcheur* and Other Cases
   c) The Criteria for Determining Whether or Not a Breach is Sufficiently Serious

**Free Movement of Goods**
1. Customs Duties and Charges Having Equivalent Effect
   a) What is a Customs Duty?
   b) What is a Charge Having Equivalent Effect to a Customs Duty? — The *Statistical Levy* test
   c) Charges which fall outside the scope of Article 30 TFEU.

2. Internal Taxation
a) Distinguishing an Internal Tax from a Charge Having Equivalent Effect to a Customs Duty.

b) Discriminatory Taxation where Products are Similar:
   
i) The Test for Product Similarity
   ii) Direct Discrimination
   iii) Indirect Discrimination and Objective Justification

   c) Protectionist Taxation Where Products are Not Similar
      
i. The Test for Non-Similar Products
   ii. Protectionist Effect

3. Quantitative Restrictions and Measures Having Equivalent Effect:
   
a) Who is bound by Article 34 TFEU?

b) What is a Quantitative Restriction?

c) What is a Measure Having Equivalent Effect to a Quantitative Restriction ('MEQR')? — The Dassonville Formula

d) Distinctly Applicable MEQRs

e) Indistinctly Applicable MEQRs: Cassis de Dijon and the Presumption of Mutual Recognition

f) Derogations and Mandatory Requirements

g) Selling Arrangements

h) Use of Products

i) Article 35 TFEU

**Free Movement of Persons**

1. The Status of the Person
   
a) Concept of a ‘Worker’

b) Union Citizenship

c) Family Members

2. The Rights
   
a) Rights of Entry and Residence

b) Employment Rights

c) Social Advantages

d) Education Rights

3. Derogations and the Public Service Exemption

**Establishment and Services**
1. Freedom of Establishment  
   a) What is Establishment?  
   b) Matters Falling Outside Article 49 TFEU.  
   c) What is a Restriction?  
   d) Justifying a Restriction: Derogations and Imperative Requirements.  
   e) Application of Article 49 TFEU to Companies and Firms  
   f) Further Rights for Natural Persons: Rights to Enter and Reside and Social Rights  
   g) The Mutual Recognition of Equivalent Qualifications  

2. Freedom to Provide Services  
   a) What is a Service? How is it distinguished from Establishment?  
   b) Matters Falling Outside Article 56 TFEU.  
   c) What is a Restriction?  
   d) Justifying a Restriction: Derogations and Imperative Reasons.  
   e) Application of Article 56 TFEU to Companies and Firms  
   f) Further Rights for Natural Persons: Rights to Enter and Reside and Social Rights  
   g) The Mutual Recognition of Equivalent Qualifications  
   h) Directive 2006/123 (the Services Directive)  

**Competition Law**  
1. Article 101 TFEU – Collusion  
   a) What is an Undertaking?  
   b) Agreements, Decisions of Trade Associations and Concerted Practices.  
   c) The Effect on Trade Between Member States  
   d) The Object or Effect of Preventing, Restricting or Distorting Competition, including:  
      a. The Rule of Reason  
      b. The *De Minimis* Principle  
   e) Individual Exemptions  
   f) Block Exemptions and Regulation 330/2010  
   g) Regulation 1/2003 and the Enforcement of Article 101 TFEU  
   
2. Article 102 TFEU – Abuse of a Dominant Position
a) The Relevant Market
   i) The Relevant Product Market
   ii) The Relevant Geographic Market
   iii) The Relevant Temporal Market
b) Dominant Position and Relevant Factors for Determining It
c) Abuse in its Various Forms
d) The Effect on Trade Between Member States
5.8 Land Law

<table>
<thead>
<tr>
<th>School</th>
<th>Law School</th>
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</thead>
<tbody>
<tr>
<td>Level</td>
<td>Level 6</td>
</tr>
<tr>
<td>Credit Value</td>
<td>20 Credits</td>
</tr>
<tr>
<td>Contact Hours</td>
<td>18 hours (tutorials) 19 hours (lectures) 18 hours (workshops) 4 hours (revision lectures)</td>
</tr>
<tr>
<td>Programme</td>
<td>Graduate Diploma in Law</td>
</tr>
<tr>
<td>Module Leader</td>
<td>Melanie Stone (maternity cover for Chloe Sheppick)</td>
</tr>
</tbody>
</table>

**MODULE LEARNING OUTCOMES**

**Knowledge and Understanding**

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Teaching and learning strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>K1</td>
<td>Demonstrate a detailed knowledge and systematic understanding of the estates and interests which can be held in land, how these can exist and how they can be acquired.</td>
<td>This overarching topic is covered in five lectures and five small group sessions. The lectures begin with an introductory lecture, setting out the idea of a proprietary right and the notion of estates and interests in land. Further lectures focus on the range of estates and interests, acquired in both a formal and an informal manner (via proprietary estoppel). The small group sessions utilise a range of approaches: The first session on the meaning of land introduces the idea of ‘land’ by means of a ‘property law advice column’ in a newspaper exercise, with different letters representing different fundamental</td>
<td>Students may undertake self-assessment tests on the virtual learning environment (VLE). While no questions in the exam will be solely upon these topics, the fundamental principles are pervasive to all topic areas and elements of the detailed work may be featured as subsidiary elements in the exam e.g. airspace or found items.</td>
</tr>
</tbody>
</table>
## K2
**Demonstrate a detailed knowledge and systematic understanding of how estates and interests in land are governed by the unregistered and registered systems of conveyancing and how the Land Registration Act 2002 governs the registered system.**

The registered and unregistered land systems are covered in two lectures and two small group sessions.

The lectures cover how the two systems work, looking at examples of how proprietary rights can be enforced against a purchaser. They conclude by consolidating how the systems work in practice.

The small group sessions cover the same material in conjunction with the lectures and require the students to apply what they have learned. The session on registered land requires students to work through a series of mini-scenarios which build on their knowledge of estates and interests and allow the development of an overall framework. The session on unregistered and registered land allows the students to test their abilities on a sample exam question.

Students may undertake self-assessment tests on the virtual learning environment (VLE).

Students undertake an in-class practice test on the LRA 2002 to assist with the statutory analysis assessment.

Students may submit one mock assessment in this area.

A question in the final examination paper will often focus on this area as its central theme.

## K3
**Demonstrate a detailed knowledge and systematic understanding of the regulation of land use through private law mechanisms (covenants and easements).**

These connected topics are dealt with in four lectures and four tutorials.

The lectures on covenants cover, first, the common law principles for the enforcement of

Students may undertake self-assessment tests on the virtual learning environment (VLE).

Students become familiar with the final
| K4  | Demonstrate a detailed knowledge and systematic understanding of the use of legal and equitable charges to raise finance from an estate in land - mortgages. | This topic is covered in one large group lecture, one small group session and one independent learning exercise. The lecture begins with a definition of mortgages and how they are created, before going on to examine a range of issues in mortgages law such as collateral advantages, undue influence and priorities between mortgagees. Finally, the issue of mortgagee’s | Students may undertake self-assessment tests on the virtual learning environment (VLE). Students may submit one mock assessment on mortgages. A question in the final examination paper deals explicitly with this area. |
The independent learning exercise utilises mini-problem questions to facilitate analysis of key issues. A suggested set of points to incorporate is provided to assist with reflection. The tutorial works through a problem question to allow students to explore further themes in a tutorial environment.

| K5 | Demonstrate a detailed knowledge and systematic understanding of the characteristics and operation of leases in both commercial and residential contexts. | The various facets of the landlord and tenant relationship are dealt with in five lectures, five small group sessions and one independent learning exercise. The lectures cover the essential characteristics of a lease, the nature and content of leasehold covenants, whether leasehold covenants bind / benefit successors, termination of lease and the extension of business tenancies under the 1954 Act. The small group sessions are in a variety of formats: The essential characteristics of a lease are covered in a research exercise requiring the students to read and apply key cases to a client-scenario. Leasehold covenants are covered in a ‘law in action’ study based on a mocked-up client file including a lease. Running of leasehold covenants and forfeiture are dealt with in problem exercises. Students may undertake self-assessment tests on the virtual learning environment (VLE). Questions in the final examination paper deal explicitly with these areas (with the exception of the 1954 Act). |
| K6 | Demonstrate a detailed knowledge and systematic understanding of the respective roles of trustees and beneficiaries in the context of ownership of land. | This topic is covered in two lectures and two small group sessions.  
The first lecture covers the basic structure of a co-ownership in terms of a trust of land under TLATA 1996. It also covers key concepts such as joint tenancies and tenancies in common. The second lecture looks at how trusts of land operate in terms of severance and applications to court in the event of disputes.  
The small group sessions track one extended problem question from beginning to end. The first session requires the application of the principles of joint tenancy, tenancy in common, severance and the right of survivorship. The second tutorial looks at alternative possibilities where the parties want to dissolve the co-ownership. This split structure allows the students to focus on each aspect in depth. | Students may undertake self-assessment tests on the virtual learning environment (VLE). A question in the final examination paper deals explicitly with this area. |

| Cognitive Skills |

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Teaching and learning strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Analyse a large quantity of complex data relating to a land law transaction rapidly and use appropriate techniques to draw practical</td>
<td>The majority of the small group sessions utilise problem-based questions as their main discussion tool.</td>
<td>All the mock assessments are problem-based. All of the questions in the final examination</td>
</tr>
<tr>
<td>C2</td>
<td>Critically evaluate the current state of land law legislation and case law with reference to proposals for reform.</td>
<td>The future development of land law and inadequacies in the current law are discussed in various large group lectures and in the study notes chapters. Students are also expected to read relevant resources such as Law Commission Reports as appropriate. While not assessed specifically, students are expected to comment where appropriate on the state of current law in examination answers, mock assessments and small group session discussion.</td>
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<tr>
<td>C3</td>
<td>Evaluate complex and contradictory data.</td>
<td>This skill is chiefly practiced in areas lending themselves to discursive analysis of apparently contradictory source material. For example, students are expected to consider the conflict between apparently contradictory case decisions such as Sovmots v SOS, a House of Lords decision which made diversity of occupation a requirement for s62 LPA to operate and Platt v Crouch, a later and apparently contradictory Court of Appeal judgement. When providing answers to problem questions in mock assessments and the final examination, students will need to show how they would explain conflicting legal principles to a client and how their final advice would reconcile such contradictions.</td>
<td></td>
</tr>
<tr>
<td>C4</td>
<td>Cogently and persuasively argue how the relevant property law should be</td>
<td>The problem-based question tool utilised in the majority of tutorials All of the mock assessments are problem-based.</td>
<td></td>
</tr>
<tr>
<td>Ref</td>
<td>Students should be able to:</td>
<td>Learning and teaching strategy</td>
<td>Assessment strategy</td>
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<tr>
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</tr>
<tr>
<td>S1</td>
<td>Advise clients appropriately as to possible remedies in a land law dispute.</td>
<td>The problem-based question tool utilised in the majority of tutorials requires students to apply their knowledge of land law to complex factual matrices and advise hypothetical clients as to their legal position. No guidance on the problem-based question is provided in advance of the small group session and each session is student-led.</td>
<td>All of the mock assessments which students complete are problem-based. All of the questions in the final examination paper are problem-based.</td>
</tr>
<tr>
<td>S2</td>
<td>Listen effectively to others, with a view to extracting relevant information, identifying gaps in information and / or distilling key points in order to form a coherent critique.</td>
<td>This skill is practiced extensively in lectures (where students must listen effectively to the tutor) and small group sessions (where they must also listen to their peers).</td>
<td>The ability to listen effectively to others is initially assessed in the induction module, followed by narrative assessment in the foundation modules thereafter.</td>
</tr>
<tr>
<td>S3</td>
<td>Conduct independent legal research into areas within the discipline, using hard copy and electronic resources and covering both primary and secondary sources.</td>
<td>This skill is specifically addressed through the Research Tutorial on the essential characteristics of a lease and through independent learning exercises, for example the ILE on the 1954 Act.</td>
<td>This skill is chiefly assessed through the Independent Research Essay, completed elsewhere on the programme.</td>
</tr>
</tbody>
</table>
## General Transferable Skills

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Learning and teaching strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Demonstrate a sense of personal responsibility for their own learning.</td>
<td>This skill is particularly developed on the Land Law module through the independent learning exercises on Mortgages and the 1954 Business Tenancies Act. Given the intensity of the GDL programme, this skill is also developed through the need for effective time management and personal organisation in relation to private study.</td>
<td>This skill is chiefly assessed through an Independent Research Essay, completed elsewhere on the programme.</td>
</tr>
<tr>
<td>T2</td>
<td>Critique their own progress and arguments and apply concepts learned in one area to another.</td>
<td>This skill is practiced in every small group session on the module, through the tools of group discussion and a creative approach to feedback. The ability to reflect on students’ own progress is chiefly assessed through the Independent Research Essay, completed elsewhere on the programme.</td>
<td></td>
</tr>
<tr>
<td>T3</td>
<td>Work effectively in groups, cooperatively as well as competitively.</td>
<td>The skill of working cooperatively in groups is practiced in many small group sessions on the module. In some small group sessions, students will be encouraged to argue opposing positions. The competition element and group cooperation is initially assessed in the induction module, followed by narrative assessment in the foundation modules thereafter.</td>
<td></td>
</tr>
<tr>
<td>T4</td>
<td>Communicate arguments coherently and effectively both orally and in writing.</td>
<td>The skill of oral communication is practiced extensively in every small group session through student led group discussion. Written communication skills are honed through</td>
<td>Written communication skills are formatively assessed through the mock assessment programme and summatively assessed in the final examination.</td>
</tr>
</tbody>
</table>
the mock assessment programme in every module, upon which extensive feedback is provided.

Oral communication skills are initially assessed in the induction module, followed by narrative assessment in the foundation modules thereafter.

<table>
<thead>
<tr>
<th>T5</th>
<th>Use information technology in the conduct of legal research and communication of findings.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This skill is specifically addressed through the Research Tutorial on the essential characteristics of a lease.</td>
</tr>
<tr>
<td></td>
<td>This skill is chiefly assessed through the Independent Research Essay, completed elsewhere on the programme.</td>
</tr>
</tbody>
</table>

**RATIONALE & DELIVERY**

**Delivery of Teaching**

Teaching consists of one tutorial and one lecture per week. In addition, students can attend a weekly consolidation session.

**Mode of Assessment**

**Formative Assessment**

Two practice assessments per year: 1,500 answers to essay and / or problem questions.

**Summative Assessment**

Unseen timed examination: three hour paper in which the students have to answer three from seven questions.

The assessments are marked according to the Level 6 Marking Criteria.

**Resources**

Existing GDL teaching staff will be capable of holding the tutorials and lectures.

**Indicative Reading List**

**Core reading**
BPP’s Cases & Materials on Land Law
Land Law

Content and curriculum

This module is designed to familiarise students with the basic principles underpinning land law and the mechanics of some key proprietary rights in the context of residential and commercial property practice.

This module is composed of four Parts.

Part One – Foundation Materials

Part One of the module covers the foundation knowledge required for the study of land law. This comprises such key concepts as freehold and leasehold, underlying practicalities such as the formal requirements for the creation of interests in land as well as how interests may be created informally through the use of proprietary estoppel and the parallel systems of registered and unregistered land. The content and anticipated learning outcomes of the lectures and tutorials in Part One are set out below.

Lectures

The Meaning of ‘Land’
1. Introduction
2. What is land?

Estates in Land – Freehold
1. The 1925 legislation
2. Acquisition of the freehold estate
3. Before exchange of contracts
4. The contract: transfer of the equitable estate
5. Completion: transfer of the legal estate
6. Registration
7. Informal acquisition of land

Estates in Land - Leasehold
1. Introduction
2. Terminology
3. Types of leases
4. Essential characteristics of a lease
5. Formalities
6. Registration
**Interests in Land**
1. Legal interests
2. Creation of a legal interest
3. Equitable interests
4. Creation of equitable interests
5. The importance of the distinction
6. Enforcement pre 1925
7. The Doctrine of Notice
8. Registration of title

**Enforcement of Third Party Interests Against a Purchaser – Registered Land**
1. Introduction
2. Compulsory registration
3. Register of title
4. Classes of interest
5. Interests not appearing on the register (or ‘overriding interests’)
6. Overreaching

**Enforcement of Third Party Interests Against a Purchaser - Unregistered Land**
1. Introduction
2. Pre 1926
3. Post 1925
4. Classes of land charges
5. Incorrect registration or non-registration
6. Non-registrable interests

**Proprietary Estoppel**
1. Explanation of proprietary estoppel and its essential elements
2. The effect of an estoppel
3. Remedies
4. Status of the estoppel

**Consolidation Lecture**
1. A review of the material in Part One
Tutorials

The Meaning of Land

1. Understand what is included within land;
2. understand the principles which determine ownership of objects found on land;
3. be able to distinguish between fixtures and chattels, using case law principles and examples.

Estates in Land – Freehold

1. Understand the concept of a freehold estate in land;
2. be familiar with the formalities for creating contracts for land and the problems which have arisen in interpreting those formalities;
3. know, in outline, the remedies for breach of contract;
4. understand how a freehold estate is transferred;
5. know the requirements for a deed;
6. have had a brief introduction to the conveyancing process;
7. understand registration of title;
8. understand the distinction between exchange of contracts and completion.

Estates in Land – Leasehold

1. Understand the concept of term of years absolute;
2. describe and explain the different types of leases;
3. describe and explain the essential characteristics of a lease;
4. describe and explain the formalities necessary for the creation of legal and equitable leases;
5. distinguish legal leases from equitable leases;
6. understand how leaseholders of leases of over 7 years show their title.

Interests in Land

1. Understand what is meant by an interest in land;
2. recognise those interests which have the capacity to be legal interests in land;
3. understand the formalities required to create a legal interest;
4. recognise those interests in land which are equitable and why they are equitable;
5. understand the importance of the distinction between legal and equitable interests;
6. understand the method of protecting interests in land pre-1925 i.e. the doctrine of notice.
Enforcement of Third Party Interests Against a Purchaser – Registered Land
1. Have an overall understanding of the rationale behind registration as a means of enforcing third party interests against a purchaser;
2. recognise the classification of interests in registered land and understand the applicable rules in each class;
3. understand the concept of overreaching.

Enforcement of Third Party Interests Against a Purchaser – Unregistered Land
1. Recognise the categories of land charges under the Land Charges Act 1972 and the effect of either their non-registration or incorrect registration;
2. re-affirm your understanding of the concept of overreaching and, in particular, the formalities required for it to operate;
3. re-affirm your understanding of the doctrine of notice and recognise, in particular, where it applies in unregistered land today.

Proprietary Estoppel
1. Explain, and apply, the tests for estoppel;
2. understand that an estoppel is not in itself an interest in land but can operate to create an interest in land;
3. understand how an estoppel can bind a third party.

Part Two – Key Proprietary Rights

Part Two of the module is concerned with the focused study of some key proprietary rights in land. These include freehold covenants, easements and mortgages. The content and anticipated learning outcomes of the lectures and tutorials in Part Two are set out below

Lectures

Freehold Covenants
1. Position at common law
2. Position in equity
3. Remedies and discharge
4. Registration

Mortgages
1. Definitions and formalities
2. Creation
3. Rights of mortgagor
4. Rights of mortgagee under a legal mortgage
5. Rights of mortgagee under an equitable mortgage
Easements
1. Introduction
2. Essential characteristics of an easement
3. Acquisition of easements
4. Easements acquired by prescription
5. Extinguishment of easements
6. Legal easements
7. Equitable easements

Tutorials

Freehold Covenants
1. Explain when the benefit of a covenant will pass to later owners of the land benefited;
2. explain when the burden of a covenant will pass to later owners of the land subject to it;
3. compare the position at common law with the position in equity;
4. understand the circumstances in which a covenant might be discharged or modified.

Mortgages
1. Be familiar with the rights of a mortgagor and of a mortgagee;
2. understand the doctrine of undue influence and the procedure that a bank must follow in order to take free of such undue influence;
3. distinguish between legal and equitable mortgages;
4. examine the enforceability of the terms of mortgages;
5. explain the powers of a mortgagee when the mortgagor is in default.

Easements
1. Understand which types of rights are capable of existing as easements;
2. understand the various ways of acquiring easements;
3. understand the difference between granting and reserving an easement;
4. understand when easements granted over registered and over unregistered land are enforceable against a purchaser of that land.
Part Three – Landlord and Tenant

Part Three of the module examines the relationship between a landlord and tenant, both in the commercial and residential context. Key issues are examined in detail, such as the importance of leasehold covenants and the means by which a lease can be terminated. The content and anticipated learning outcomes of the lectures and tutorials in Part Three are set out below.

Lectures

Distinction between Leases and Licences
1. Understand the difference between a lease and a licence
2. Understand the case law on the lease/licence distinction
3. Understand the issues relating to multiple occupiers
4. Understand the business tenancy cases on the lease/licence distinction

Covenants in Leases
1. Tenant’s implied covenants
2. Landlord’s implied covenants
3. Tenant’s express covenants
4. Landlord’s express covenants
5. Remedies for breach of covenants
6. The termination of leases
7. Statutory protection for tenants

Running of Leasehold Covenants
1. Leases created before 1 January 1996: enforcement of covenants by original parties to lease
2. Assignees of the lease
3. Assignees of the reversion
4. Subtenants
5. Where the lease is not by deed

Termination, Including Forfeiture of Leases
1. Forfeiture for non-payment of rent;
2. Forfeiture for breach of any other covenant;
3. Waiver.
Business Tenancies – Landlord and Tenant Act 1954

a) to whom the act applies;
b) statutory continuation;
c) termination;
d) new tenancy;
e) grounds of opposition.

Tutorials

Distinction between Leases and Licences
1. Describe and explain the essential characteristics of a lease;
2. understand the problems that can arise from multiple occupancy.

Covenants in Leases
1. Describe and explain the implied covenants in a lease;
2. describe and explain the usual express covenants in a lease.

Running of Leasehold Covenants
1. Distinguish the different types of covenants: covenants which touch and concern the land, positive and negative covenants;
2. explain and distinguish the assignment of a lease and assignment of the reversion and subletting;
3. explain and distinguish the doctrines of privity of contract and privity of estate;
4. explain and apply the law relating to enforceability of leasehold covenants made before 1996;
5. explain and apply the law relating to enforceability of leasehold covenants made on or after 1 January 1996;
6. explain and apply the retrospective provisions of the Landlord and Tenant (Covenants) Act 1995 which apply to all leases whenever created.

Termination, Including Forfeiture of Leases
1. Describe and explain the remedies available for breach of leasehold covenants;
2. distinguish the procedure for forfeiture for non-payment of rent from the procedure for forfeiture for breach of any other covenant.

Leases: Business Tenancies – Landlord and Tenant Act 1954
1. Understand which tenants are protected by the Landlord and Tenant Act 1954;
2. understand the procedure for terminating and for applying for a new tenancy under the Act;
3. know the provisions governing interim rent and the terms of new tenancies under the Act.
**Part Four – Co-ownership**

Part Four of the module examines co-ownership. The content and anticipated learning outcomes of the lectures and tutorials in Part Four are set out below.

**Lectures**

**Co-ownership**
1. Definition of co-ownership
2. Two kinds of co-ownership
3. Creation of joint-tenancy or tenancy in common
4. Co-ownership after 1925 and 1996
5. Severance of a joint tenancy
6. Termination of co-ownership
7. Protection of beneficial interests under a trust

**Tutorials**

**Co-ownership**
1. Distinguish between the legal estate and the equitable interest(s);
2. identify when and how joint tenancies and tenancies in common arise;
3. correctly apply the trust of land to joint tenancies and tenancies in common;
4. recognise when an event has occurred to sever an equitable joint tenancy;
5. correctly advise on the change in position following the severance of an equitable joint tenancy;
6. interpret and apply the relevant statutory provisions which will terminate co-ownership.
## 5.9 Research including the Independent Research Essay (eighth area of law)

<table>
<thead>
<tr>
<th>School</th>
<th>Law School</th>
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<tbody>
<tr>
<td>Level</td>
<td>Level 6</td>
</tr>
<tr>
<td>Credit Value</td>
<td>30 Credits</td>
</tr>
<tr>
<td>Contact Hours</td>
<td>N/A: students are expected to complete this module by independent study</td>
</tr>
<tr>
<td>Programme</td>
<td>Graduate Diploma in Law</td>
</tr>
<tr>
<td>Module Leader</td>
<td>Anna Elmirzayeva</td>
</tr>
</tbody>
</table>

### MODULE SPECIFICATION

#### Knowledge and Understanding

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to demonstrate a:</th>
<th>Teaching and learning strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>K1</td>
<td>Detailed knowledge and systematic understanding of the principles governing an area of law outside of the seven foundations of law – the eighth area of law.</td>
<td>As stated above, the independent research essay is an independent study project, which students complete autonomously with guidance on research techniques provided in research lectures and limited written guidance in the substantive law. In addition, self-study tutorials in each of the seven foundation modules require students to gain an understanding of an area within those modules through independent study.</td>
<td>Knowledge in this eighth area of law is formatively assessed through the submission of an independent research essay of a maximum of 4,000 words at the end of substantive teaching on the programme. Students are formatively assessed in drafting essays in the mock assessment programme within the seven foundation subjects.</td>
</tr>
<tr>
<td>K2</td>
<td>Knowledge and awareness of the ethical and policy considerations arising within that eighth area of law</td>
<td>See A1 above. Students are taught to consider the ethical and policy considerations within the law in all lectures (and some small group sessions) delivered in the seven foundations</td>
<td>See A1 above.</td>
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</tbody>
</table>
of law. These are also introduced in pre-directed reading within these modules.

### Cognitive Skills

<table>
<thead>
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<tbody>
<tr>
<td>C1</td>
<td>Process a large quantity of complex data relating to the eighth area of law and apply that information appropriately.</td>
<td>Students must process the information distilled from their research and apply it in answering the question set. Students are trained in this skill in small group sessions and self-study / research tutorials in the seven foundation areas of law.</td>
<td>See A1 above.</td>
</tr>
<tr>
<td>C2</td>
<td>Critically evaluate and synthesise doctrinal arguments surrounding the eighth area of law and construct a coherent argument from relevant data.</td>
<td>Students’ capacity to critically evaluate and synthesise doctrinal arguments within the law is developed in the seven core modules – through pre-directed reading and lectures, which introduce such arguments, followed by small group sessions in which these are discussed and ventilated in open forum.</td>
<td>See A1 above.</td>
</tr>
<tr>
<td>C3</td>
<td>Evaluate complex and contradictory data and make a reasoned choice between alternative positions and solutions.</td>
<td>See B2 above.</td>
<td>This skill is formatively assessed through the submission of an independent research essay of a maximum of 4,000 words at the end of substantive teaching on the programme and a coursework. Students are formatively assessed in drafting essays in the mock assessment</td>
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</tbody>
</table>
## Professional Skills and Attitudes

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Learning and teaching strategy</th>
<th>Assessment strategy</th>
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</thead>
<tbody>
<tr>
<td>S1</td>
<td>Conduct independent legal research into un/familiar areas of law, using hard copy and electronic resources covering both primary and secondary sources, and to extract essential information from those sources.</td>
<td>Students are given lectures on research techniques utilising this diverse source material. Students also develop this skill in research and self-study tutorials in the seven core modules</td>
<td>See B3 above.</td>
</tr>
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</table>

## General Transferable Skills

<table>
<thead>
<tr>
<th>Ref</th>
<th>D. Students should be able to:</th>
<th>Learning and teaching strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Demonstrate a sense of personal responsibility for their own learning.</td>
<td>This skill is developed through independent learning exercises in the seven core modules which operate alongside this module. To successfully complete their Independent Research Essay, students must demonstrate the capacity to organise their time during their studies in order to complete their research and drafting by the deadline.</td>
<td>This skill is summatively assessed through the Independent Research Essay and formatively addressed through the mocks programme in the seven foundation modules.</td>
</tr>
<tr>
<td>T2</td>
<td>Critique their own progress and arguments and apply concepts learned in one area to another.</td>
<td>This skill is practiced in every small group session on the module, through the tools of group discussion and a creative approach to feedback.</td>
<td>The skill is summatively assessed through the Independent Research Essay, following narrative assessment across the seven foundation modules in...</td>
</tr>
</tbody>
</table>
Students must apply this skill, developed across the seven foundation modules and in the eighth area of law.

small group sessions.

### T3

Use language accurately to communicate information efficiently and effectively in writing.

Written communication skills are honed through the mock assessment programme in every module, upon which extensive feedback is provided.

Written communication skills are formatively assessed through the mock assessment programme and summatively assessed in the final examinations and Independent Research Essay.

### T4

Use information technology in the conduct of legal research and communication of findings.

This skill is addressed through the research small group sessions in the seven foundation modules and in the lectures provided as part of this module.

This skill is summatively assessed through the Independent Research Essay.

## RATIONALE & DELIVERY

The purpose of the research module and the IRE is to allow students to show their ability to research an area of law with minimal guidance from tutors. They are provided with an introductory lecture on legal research. They can also attend workshops on legal research run by the library and information services team.

### Mode of Assessment

**Formative Assessment**

Formative assessments on the IRE are not provided. However, students are given the opportunity to practice writing answers to essay questions in several of the core modules, including Constitutional and Administrative Law.

**Summative Assessment**

Students are required to submit a 4,000 word essay. They can choose from a number of titles published soon after the start of the programme. They are also permitted to submit their own title for approval.

A sample of the titles posed in 2014-15 is set out below as an indication.

The assessments are marked according to the Level 6 Marking Criteria.
Resources

Existing GDL teaching staff and library staff will be capable of holding the lecture and workshops.

Indicative Reading List

Students are required to find their own materials for this essay. A range of materials is available in the library for each of the titles published.
5.10 Law of Tort

<table>
<thead>
<tr>
<th>School</th>
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<tbody>
<tr>
<td>Level</td>
<td>Level 6</td>
</tr>
<tr>
<td>Credit Value</td>
<td>20 Credits</td>
</tr>
<tr>
<td>Contact Hours</td>
<td>18 hours (tutorials) 19 hours (lectures) 18 hours (workshops) 4 hours (revision workshops)</td>
</tr>
<tr>
<td>Programme</td>
<td>Graduate Diploma in Law</td>
</tr>
<tr>
<td>Module Leader</td>
<td>Kate Smith</td>
</tr>
</tbody>
</table>

**MODULE LEARNING OUTCOMES**

**Knowledge and Understanding**

<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>K1</td>
<td>Detailed knowledge and systematic understanding of the law of Negligence, both in its pure and applied form.</td>
<td>The law of General Negligence is covered in a series of eight lectures and eight small group sessions, one of which is an independent learning exercise. There are a further five lectures and five small group sessions covering specific kinds of Negligence, or Torts based on negligence principles (i.e. Vicarious and Primary liability of Employers, Professional/Clinical Negligence, Product Liability and Occupiers’ Liability) The lectures begin with an introductory lecture, setting out the outline of the module and introducing the topic of Negligence</td>
<td>Students submit one to two mock assessments in this area. Students may undertake self-assessment tests on the virtual learning environment (VLE) Questions in the final examination paper deal explicitly with these areas.</td>
</tr>
<tr>
<td>Course</td>
<td>Description</td>
<td>Methods</td>
<td>Assessment</td>
</tr>
<tr>
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<tr>
<td>K2</td>
<td>Detailed knowledge and systematic understanding of the law of Trespass to the Person.</td>
<td>The law of Trespass to the Person is covered by one lecture and one small group session. The small group sessions dovetail with the lecture, covering each of the above areas in turn, namely Assault, Battery and False Imprisonment. A variety of techniques are used, including group analysis of problem-based questions dealing with this topic.</td>
<td>Students may undertake self-assessment tests on the virtual learning environment (VLE). Questions in the final examination paper deal explicitly with these areas.</td>
</tr>
<tr>
<td>K3</td>
<td>Detailed knowledge and systematic understanding of the Tort of Defamation.</td>
<td>These are covered in a series of two lectures and two small group sessions. The lectures cover all aspects of this Tort in detail, including definitions, requirements for libel and slander and defences. The small group sessions mirror the lecture structure. In addition to group analysis of problem-based questions in week 1, week 2 of Defamation takes the form of a ‘Law in Action’ session, with students, prior to the session, taking home and preparing a mock brief (focussing on defences in Students are given a mock brief to Counsel and have the opportunity to present oral arguments in the classroom, informally assessed by their tutor. Students may undertake self-assessment tests on the virtual learning environment (VLE). Questions in the final examination paper deal explicitly with these areas.</td>
<td></td>
</tr>
</tbody>
</table>
a Defamation action) and submitting their arguments in the virtual court environment of the classroom.

K4 Detailed knowledge and systematic understanding of the Torts related to land. The Torts relating to land are covered by two lectures and two small group sessions.

The lectures cover Nuisance in all its forms, namely Private Nuisance, Public Nuisance and the specific Nuisance-related Tort of Rylands v Fletcher.

The small group sessions mirror this structure, utilising the techniques of group analysis of problem-based and essay questions.

Students may undertake self-assessment tests on the virtual learning environment (VLE).

Questions in the final examination paper deal explicitly with these areas.

K5 Knowledge and awareness of the policy considerations underpinning the Law of Tort. The policy dimensions of Tort are introduced through the introductory reading and lectures, before being discussed frequently in small group sessions.

Questions in the final examination deal explicitly with this area.

Cognitive Skills

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Teaching and learning strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Analyse a large quantity of complex data relating to Tort rapidly and use appropriate techniques to draw practical conclusions, applying the relevant law to the facts in question.</td>
<td>The majority of the small group sessions utilise problem-based questions as their main discussion tool. These typically contain a complex factual matrix involving multiple parties and issues, which students must analyse individually (before the session) and in groups (during the session).</td>
<td>At least one of the mock assessments which students complete is problem-based. Six of the seven questions in the final examination paper are problem-based.</td>
</tr>
<tr>
<td>C2</td>
<td>Coherently and accurately</td>
<td>This is a pervasive skill</td>
<td>Questions in the final</td>
</tr>
</tbody>
</table>
discuss the tortious issues relevant to a given problem in a way which is comprehensible to others and relevant to their concerns

developed through small group sessions for the duration of the course. It is developed principally through discussion and by use of problem based questions.

exam deal explicitly with this skill.

| C3 | Understand the process of legal reasoning and evaluation in the law of Tort | As in B2 above | As above |
| C4 | Understand and recognise the interaction of human rights issues within the law of Tort | As in B2 above. Human Rights issues are most evident within certain topics, especially Nuisance, Defamation and Negligence. | As above |

### Professional Skills and Attitudes

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Learning and teaching strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>S1</td>
<td>Advise clients appropriately as to possible outcomes in the Law of Tort</td>
<td>The problem-based question tool utilised in the majority of tutorials requires students to apply their knowledge of contract law to complex factual matrices and advise hypothetical clients as to their legal position. No guidance on the problem-based question is provided in advance of the small group session and each session is student-led.</td>
<td>At least one of the mock assessments which students complete is problem-based. Six of the seven questions in the final examination paper are problem-based.</td>
</tr>
<tr>
<td>S2</td>
<td>Listen effectively to others, with a view to extracting relevant information, identifying gaps in information and / or distilling key points in order to form a coherent critique.</td>
<td>This skill is practiced extensively in lectures (where students must listen effectively to the tutor) and small group sessions (where they must also listen to their peers).</td>
<td>The ability to listen effectively to others is initially assessed in the induction module, followed by narrative assessment in the foundation modules thereafter.</td>
</tr>
<tr>
<td>S3</td>
<td>Conduct research using</td>
<td>This skill is addressed in</td>
<td>This skill is chiefly</td>
</tr>
</tbody>
</table>
paper and electronic resources to identify primary and secondary sources relevant to this area.

Tort through the Independent Learning Exercise (Occupiers’ Liability) and the Law in Action session on Defamation. It is specifically addressed through the Independent Research Essay (IRE).

assessed through the Independent Research Essay, completed elsewhere on the programme.

General Transferable Skills

<table>
<thead>
<tr>
<th>Ref</th>
<th>Students should be able to:</th>
<th>Learning and teaching strategy</th>
<th>Assessment strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1</td>
<td>Demonstrate a sense of personal responsibility for their own learning.</td>
<td>This skill is particularly developed on the Tort Law module through the independent learning exercise (Occupiers’ Liability)</td>
<td>This skill is chiefly assessed through an Independent Research Essay, completed elsewhere on the programme.</td>
</tr>
<tr>
<td></td>
<td>Given the intensity of the GDL programme, this skill is also developed through the need for effective time management and personal organisation in relation to private study.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T2</td>
<td>Critique their own progress and arguments and apply concepts learned in one area to another.</td>
<td>This skill is practiced in every small group session on the module, through the tools of group discussion and a creative approach to feedback.</td>
<td>The ability to reflect on students’ own progress is chiefly assessed through the Independent Research Essay, completed elsewhere on the programme.</td>
</tr>
<tr>
<td>T3</td>
<td>Work effectively in groups, cooperatively as well as competitively.</td>
<td>The skill of working cooperatively in groups is practiced in every small group session on the module. The skill of working competitively is specifically addressed in the moot exercise in the first terms small group session.</td>
<td>These skills are initially assessed in the induction module, followed by narrative assessment in the foundation modules thereafter.</td>
</tr>
</tbody>
</table>
### RATIONALE & DELIVERY

#### Delivery of Teaching

Teaching consists of one tutorial and one lecture per week. In addition, students can attend a weekly consolidation session.

#### Mode of Assessment

**Formative Assessment**

Two practice assessments per year: 1,500 answers to essay and / or problem questions.

**Summative Assessment**

Unseen timed examination: three hour paper in which the students have to answer three from seven questions.

The assessments are marked according to the Level 6 Marking Criteria.

#### Resources

Existing GDL teaching staff will be capable of holding the tutorials and lectures.

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| T4 | Communicate arguments coherently and effectively both orally and in writing. | The skill of oral communication is practiced extensively in every small group session through student led group discussion. Written communication skills are honed through the mock assessment programme in every module, upon which extensive feedback is provided. | Written communication skills are formatively assessed through the mock assessment programme and summatively assessed in the final examination. Oral communication skills are initially assessed in the induction module followed by narrative assessment in the foundation modules thereafter. |
| T6 | Use information technology in the conduct of legal research and communication of findings. | This skill is addressed through the ILE (Occupiers' Liability) | This skill is chiefly assessed through the Independent Research Essay, completed elsewhere on the programme. |
Indicative Reading List

Core reading
BPP’s Cases & Materials on Tort Law

The Law of Tort

Content & Curriculum

Lectures

Introduction to the Law of Tort
1. Definitions
2. Torts distinguished from other Wrongs
3. General Requirements, e.g. damage
4. Tort: The Role of Policy
5. Malice and Intention
6. Strict and Fault Liability
7. Alternative Compensation Schemes
8. Reforms of the Tort System
9. Parties: including Joint and Several Liability

Trespass to the Person
1. Definition and Types i.e. Assault, Battery and False Imprisonment
2. Elements for Liability
3. Defences (including Consent and Statutory Authority)

Negligence: Introduction and the Duty of Care
1. Definition
2. Elements
3. Historical Developments
4. The Duty of Care and the Current (Caparo or Incremental) Test
5. Specific Duty Situations e.g. police, emergency services, public authorities, etc.
6. Omissions and Third Party Liability
The Duty of Care: Nervous Shock/Psychiatric Damage

1. History/Development
2. Elements
3. The Definition of Nervous Shock/Psychiatric Injury?
4. The Concepts of Primary and Secondary Victims
5. The Criteria for Establishing Liability for each Type of Victim, e.g. the Alcock Test
6. Reforms

The Duty of Care: Pure Economic Loss

1. Types of Economic Loss
2. History/ Development
3. Elements of Liability
4. Special Cases
5. Proposal for Reform

The Duty of Care: Negligent Misstatements

1. History/Development
2. The Principle in Hedley Byrne
3. Establishing a ‘Special Relationship’
4. The Concept of the ‘Voluntary Assumption of Responsibility’
5. The issue of ‘Reliance’
6. Two Party and Three Party Situations
7. Problems and Reforms

Breach of Duty

1. The Standard of Care and The Reasonable Man Test
2. The Standard adopted for Professionals
3. Children
4. Trainees/Learners
5. Disabilities
6. Relevant Factors, e.g. precautions, emergencies, seriousness and likelihood of injury.

Causation

1. Definition
2. Factual Causation
3. Multiple Causes both Concurrent and Consecutive
4. The ‘But For’ Test and The ‘Material Contribution’ (McGhee) Approach
5. Legal Causation including the Doctrine of Novus Actus Interveniens

**Remoteness of Damage**

1. Definition
2. The Test of Remoteness (The Test of Reasonable Foreseeability)
3. The Extent of Damage
4. The Type of Damage
5. The Egg-Shell or Thin Skull Rule
6. The Claimant’s Impecuniosity

**Proving Negligence**

1. Misfeasance/Non-feasance
2. The Principle of Res Ista Loquitur
3. The Use of Criminal Convictions as Evidence

**General Defences**

1. Contributory Negligence
2. Volenti Non fit Injuria
3. Illegality - Ex Turpi Causa Non Oritur Actio
4. Self Defence
5. Act of God
6. Act of a Stranger/Third Party
7. Mistake
8. Inevitable Accident.
9. Statutory Authority
10. Exclusions/Limitation

**Professional/Clinical Negligence**

1. Definition
2. The Standard of Care Owed by Professionals
3. The ‘Bolam’ Test
4. Trainee Professionals
5. Criticisms/Challenges to the ‘Bolam’ Test
6. Developments
7. Proposals for Reform

The Liability of Employers: Primary Liability at Common Law

1. The Duty of Care within the Employment Relationship
2. The Principle in Wilsons and Clyde Coal v English
3. The Duty to Provide a Safe Place of Work
4. The Duty to Provide a Safe System of Work
5. The Duty to Provide Competent Fellow Employees
7. Breach and Standard of Care
8. Defences

The Liability of Employers: Vicarious Liability

1. Definition and Rationale
2. Elements for Liability
3. Relationship of Employment: Contracts of Service/Contracts for Services
4. The Tests for Establishing an Employee
5. Torts Committed in the ‘Course of Employment’
6. Agency Situations, i.e. ‘Lending Servants’
7. Primary Liability and Independent Contractors

Breach of Statutory Duty (Outline Only)
1. Introduction/Sources
2. Elements for Liability
3. Causation
4. The Rule in Gorris v Scott
5. Defences

Product Liability
1. Liability at Common Law
2. Liability under the Consumer Protection Act 1987

3. Parties

4. Application

5. Defences

6. Limitation Periods

**Occupiers' Liability**

1. Introduction and Common Law History

2. The Duty Owed to Visitors and The Occupiers Liability Act 1957
   a) Is there a Duty?
   b) Breach of Duty including: children, experts, warning notices and independent contractors
   c) Defences
   d) Application

3. The Duty Owed to Trespassers and the Occupiers Liability Act 1984
   a) Is there a Duty?
   b) Breach of Duty
   c) Factors and Defences
   d) Application

**Defamation**

1. Definition and Background

2. The Distinction between Libel/Slander

3. Parties

4. Elements of Liability:
   a) What is Defamation (including Innuendo)?
   b) Does it refer to the Claimant?
   c) Has the Statement been Published/Communicated?

5. Defences

6. Remedies

7. Reforms/Criticisms
Torts Relating to Land

1. Private Nuisance
   a) Definition/Types
   b) Parties
   c) Actual Damage/Sensible Personal Discomfort (SPD)
   d) Unlawful/Unreasonable Interference
   e) Defences
   f) Remedies
   g) Liability for Fire under the Fires Prevention (Metropolis) Act 1774

2. Public Nuisance
   a) Definition/Types
   b) Parties
   c) Elements for Liability
   d) Statutory Nuisances
   e) Defences
   f) Remedies

The Rule in *Rylands v Fletcher*
   a) Definition and Rule
   b) Parties
   c) Elements for Liability
   d) Actual Damage
   e) Defences
   f) Remedies

Tutorials

*Introduction and General Principles*
   a) The use of terminology
   b) Tort distinguished from contract and other areas
   c) The general requirements covering all torts
d) The difference between strict and fault liability

e) The different types of parties in a tort action. e.g. joint tortfeasors

f) The use of the reasonable man test

**Trespass to the Person**

a) The use of terminology

b) Distinguishing Trespass to the Person from other forms of Trespass

c) Elements needed for liability

d) Application of legal principle to particular scenarios

e) The utilisation of appropriate defences e.g. consent, for specific claims

**Negligence: The General Duty of Care**

a) The development of the General Duty of Care: *Donoghue v Stevenson*

b) The current test used to determine the duty of care: the *Caparo* test

c) The application of this duty by the courts

d) Application to specific groups, e.g. police

**The Duty of Care: Nervous Shock/ Psychiatric Damage**

a) The definition/meaning of Nervous Shock

b) The difference between primary and secondary victims and application

c) Application of criteria for each type of victim

**The Duty of Care: Pure Economic Loss and Negligent Misstatement**

a) The distinction between Pure Economic Loss and consequential economic loss

b) The distinction between Pure Economic Loss caused by an ‘act’ and that caused by a negligent misstatement.

c) The development and expansion of Pure Economic Loss

d) Current criteria for establishing liability

d) The meaning of a negligent misstatement

e) The development of negligent misstatement (in contrast with pure economic loss actions)

f) The principle in *Hedley Byrne*

g) Current criteria for establishing liability including special relationship, voluntary assumption of responsibility and reliance.
Breach of Duty /Standard of Care

a) The reasonable man test
b) Application of the objective test by the courts
c) The factors/qualifications considered when determining the standard of care
d) The approach the courts adopt when dealing with children, professionals, trainees, etc.

Professional / Clinical Negligence

a) Discussion of the standard of care owed by professionals/experts
b) The standard owed by trainees or juniors
c) Clinical negligence and application of the Bolam test
d) Challenges to the Bolam test

Causation

a) The difference between factual and legal causation
b) The use of the ‘but for’ test
c) The courts approach to:
   - concurrent causes
   - consecutive causes
d) The application of novus actus interveniens with respect to:
   - the claimant’s behaviour
   - actions of a third party
   - an act of God/nature

Remoteness of Damage

a) The test of reasonable foreseeability (the Wagon Mound)
b) The use of the egg shell or thin skull rule
c) The distinction between the type of damage and the extent of damage
d) The claimant’s impecuniosity

Proving Negligence

a) The difference between a misfeasance and a non-feasance.
b) The doctrine of Res Ipsa Loquitur

General Defences

a) The various general defences available
b) The defence of *volenti non fit injuria*

c) The defence of contributory negligence

e) Description of illegality (*ex turpi causa*)

f) Outline of other defences

**The Liability of Employers: Primary Liability at Common Law**

a) The general duties under *Wilsons and Clyde Coal v English*

b) Operation and application of these duties

c) The interrelation of common law duties with statutory duties

**The Liability of Employers: Vicarious Liability**

a) The meaning of vicarious liability

b) The rationale behind vicarious liability

c) The criteria used in establishing vicarious liability

d) The various tests used in determining the employer/employee relationship

e) The meaning of ‘in the course of employment’

f) The meaning of non-delegable duties

g) Primary liability and independent contractors

**Product Liability**

a) The position at common law

b) The Consumer Protection Directive

c) The Consumer Protection Act 1987

d) Parties

e) The type of damage covered

f) The meaning of ‘defective’

g) The defences available within the Act

**Occupiers’ Liability I (the Occupiers’ Liability Act 1957)**

a) The use of the common law

b) The meaning of ‘visitors’

c) The standard of care owed

d) Special provisions within the Act for:
   - children
   - experts
   - warning notices
- independent contractors

e) Defences available under the 1957 Act

**Occupiers’ Liability II (the Occupiers’ Liability Act 1984)**

a) The original position with regards to trespassers

b) The meaning of:
   - the duty of common humanity
   - the principle of allurement

c) The criteria for determining whether a duty of care is owed to trespassers

d) The special factors considered when determining this duty

e) Defences available under the 1984 Act

**Defamation**

a) Differences between libel and slander

b) Parties: who can bring an action and against whom

c) How the courts determine what is a defamatory statement

d) Reference of the statement to the claimant

e) Publication of a statement

f) The meaning of innocent dissemination

g) An explanation of innocent dissemination

h) Defences
   - justification
   - fair comment
   - absolute privilege
   - qualified privilege
   - unintentional defamation

**Public/Private Nuisance**

a) Definition of a private nuisance

b) Criteria used to establish such a claim

c) The concept of ‘unreasonable’ use of land

d) Defences

e) The remedies available
Public Nuisance and Rylands

a) Definition of public nuisance
b) The differences between a private and public nuisance
c) The meaning of ‘special damage’
d) Liability under Rylands v Fletcher
e) The elements required for a Rylands claim
f) Special defences
6. Pastoral Care - How do we help you succeed?

6.1 Supervision and pastoral care

We are aware that the GDL is a highly intensive programme and have therefore designed a system of pastoral care to ensure that you are properly supported throughout your time on the GDL.

- You will be assigned a personal tutor during induction, who will also be a subject tutor. The personal tutor system is designed to help you to deal with academic and personal difficulties, and to ensure, where appropriate, that any problems are known to the programme management.

- Your personal tutor will also be a tutor who regularly teaches your tutorial group. You may, however, raise any problems, either academic or personal, with the Programme Leader or any member of the programme team if it is not appropriate to discuss it with your assigned personal tutor.

- The Programme Leader and Senior Personal Tutor are available for student consultations.

- Each tutorial group will be invited to elect a representative within the first few weeks after the course has begun. This representative will attend Staff Student Liaison Committee (SSLC) meetings and act as a conduit for any concerns the group as a whole may have concerning the teaching or administration of the programme.

- The Student Advice team is located at BPP study centres throughout the UK offering face to face support. The team also delivers advice by telephone, email, drop-in sessions, appointments, Skype sessions and workshops. You can contact the Student Advice Team on 03300 603777 or email advice@bpp.com or alternatively you can drop in to talk to an advisor personally.

- A confidential, free counselling service is available to students in need of this facility.

6.2 Equality & Diversity

BPP is fully committed to promoting equality and tackling discrimination to ensure fair access to learning and facilities for students and staff. We are committed to ensuring that all our services take account of the diversity of local, national and international populations, without compromising quality of service. Services should be accessible to students regardless of age, disability, gender, race, sexual orientation and religion or belief. We are also committed to promoting equality and tackling discrimination which creates barriers to learning as part of our duty under the Equality Act 2010. As a leading provider of professional education we expect all our students to demonstrate respect and consideration for others and to behave in the manner expected of professional practitioners.
We welcome student engagement with Equality & Diversity under the banner of Inclusion, working in partnership with student clubs, societies and representatives. You can contact us at inclusion@bpp.com.

6.3 Learning Support

At BPP we welcome applications from students to learning support. We can help with disabilities, learning difficulties, mental health conditions, chronic health conditions, sensory impairments, students on the Autism spectrum, medical conditions and much more. We offer support and guidance to ensure that all students can access their learning and get the most from their studies.

We encourage all students at BPP to disclose information relating to their learning difficulty, health condition or disability. If you feel that you could benefit from Learning Support, please contact us at LearningSupport@bpp.com.

6.4 Careers

We take very seriously the commitment each of our students makes by coming onto the GDL. Although the GDL is a qualification in its own right, most students see it as a step towards entering practice as a professional lawyer two or more years later.

The Programme is designed to give you an excellent foundation, not only for understanding substantive law and developing legal skills, but also specifically for success on the LPC or BPTC and in practice thereafter.

At BPP we are keen to complement this knowledge and skills base with extracurricular support to help you maximise your chances of getting into the profession and succeeding there.

BPP has a National Careers Service operating across all BPP University sites. Specialist legal careers consultants are available onsite to provide face to face, telephone and online advice and guidance. The careers team runs a series of employability workshop sessions, a range of events providing the opportunity to meet potential employers on site and successful mentoring and diversity access schemes.

For more information and to book an appointment with a member of the team please email lawcareers@bpp.com.

6.5 Pro Bono

The BPP Pro Bono Centre provides opportunities for all BPP law students to undertake pro bono work, either through one of the many projects run from the centre or with an outside non-profit organisation. Through these opportunities, BPP law students can gain practical legal experience, develop their legal skills and knowledge and network within the legal profession while providing a valuable service to the community.
Our pro bono projects include:

The **BPP Legal Advice Clinic**, where you will have the opportunity to interview clients and provide them with written advice in areas including housing, employment and family law under the supervision of BPP tutors and external supervisors from practice.

**Own It** provides the opportunity to give written advice on IP issues to members of the creative industries.

**ELTAL** is a telephone advice line dealing with employment law issues and puts you in contact with lawyers in practice, giving first hand experience of the client/solicitor relationship.

**Streetlaw** is ideal if you want to improve your presentation skills. From putting Goldilocks on trial with a class of primary school children to presenting to a group of high security inmates, Streetlaw presents a challenge for every student and is equally rewarding.

These are just some of a number of projects run by the Pro Bono Centre. You can work with your personal tutor to decide which project is best for you. We encourage you to make the most of the opportunities our projects have to offer.

For more information about all the pro bono projects available and how you can get involved, visit the pro bono pages on the intranet or alternatively email probono@bpp.com.

### 6.6 What if my circumstances change?

Life is unpredictable, and if something happens that may affect your participation on the GDL, you must let your personal tutor know as soon as possible. Your personal tutor will be able to advise you of the steps you must take to ensure that you do not prejudice your studies, whether that means changing timetable arrangements, deferral or transfer to a different mode of study.

### 6.7 Distance Learning Students

While the Distance Learning GDL is in all important aspects from an academic point of view an identical programme to our face-to-face programme, we provide specific distance learning pastoral support and adjustments to meet the particular requirements of distance learning students.

**Induction**

Induction presents distance learning students with a complete introduction to the programme and is aimed at fully supporting students in using our online classrooms, VLE and studying the GDL successfully as a distance learner.
Flexibility

We aim to offer a number of options through which students may attend classes on the Distance Learning GDL. All classes are run as live online classes using virtual classrooms accessible via the Virtual Learning Environment. Students, whether full time or part time, can select the timing of their classes:

- Weekday daytime
- Weekday evening
- Saturday

Note: options offered depend on cohort size and the choices made by students.

These classes are recorded: the recordings are accessible only to students attending the live classes.

In addition, we offer online weekly consolidation/catch up classes. Students also have access to recordings of lectures which form part of the preparation for tutorials.

Extracurricular Activities

Distance learning students are as much a part of the Law School as any other GDL student and we are committed to ensuring that students studying the GDL at a distance can still take part in our extra-curricular programme of activities, including Careers and Pro Bono.
7. EXEMPTION STUDENTS

Students studying on the GDL may be eligible for exemption from certain modules on the programme depending on their previous studies. Typically, students who qualify for exemptions have studied equivalent law modules in their undergraduate degree in England and Wales, although exemptions can be earned from other sources including:

- Undergraduate law degrees from jurisdictions where the law is the same or sufficiently similar e.g.:
  - Scotland
  - Republic of Ireland
  - Commonwealth countries
- Postgraduate degrees
- Chartered Institute of Legal Executives Level 6 modules

APPLICATIONS

If you have already secured exemptions before commencing the GDL, you do not need to make a further application once you commence the course. You do need to produce confirmation of the exemptions granted to the Student Records team, either on registration or as soon as possible thereafter.

Application Process: Prospective Barristers

If your intention is to progress on to the Bar Professional Training Course after the GDL and then qualify as a barrister, you must apply to the Bar Standards Board for exemptions. Details of their criteria for granting exemptions and the process involved can be found on the BSB website: [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk).

Application Process: Prospective Solicitors

If you are planning to progress on to the Legal Practice Course and qualify as a Solicitor, you can apply direct to BPP for exemptions from GDL modules. If you are applying for exemptions before starting the GDL, please contact the admissions team to discuss the process: admissions@bpp.com. If you are applying for exemptions following registration on the GDL, please contact Robert Hiscocks (Programme Head, Academic Quality Assurance and Compliance): roberthiscocks@bpp.com.

BPP grant prospective solicitors exemptions from one or more modules on the GDL depending on their previous studies. However, if it not possible for us to grant complete exemption from all modules on the GDL. Applications for total exemption from the GDL must be made to the Solicitor’s Regulatory Authority: [www.sra.org.uk](http://www.sra.org.uk).

Please note that exemptions cannot usually be granted on the basis of modules studied within a programme where you did not complete the programme as a whole.

An application for exemptions must be accompanied by a complete transcript of results for the programme(s) which may lead to the grant of exemptions. It may be necessary to review the syllabuses of the individual modules with those programmes so it is advisable to obtain this from the university/college where you studied. If the course concerned was taught in a language other than English, an English language version
or translation of the transcript and syllabus (from an accredited translator) must be provided.

Assessments undertaken by Exemption Students

In general, exemption students are only required to take the assessments for the modules that they are required to study under the terms of their exemptions. In particular, exemption students are not required to study the English Legal System (ELS) module or to take the following assessments:

- ELS Test
- Case Analysis Test
- Statute Analysis Test

Whether exemption students are required to take the Independent Research Essay depends on the details of their exemptions.

Awards to Exemption Students

BPP University’s Accredited Prior Learning (APL) regulations allow us to make an award of the GDL to successful students who have studied at least 60 credits worth of GDL modules. Details of the credit weighting of each module are set out below.

Exemption students who study less than 60 credits worth of modules cannot be awarded the GDL. They will be provided with a transcript of results for each module studied and if successful, the University will confirm that they have completed the academic stage of training.

<table>
<thead>
<tr>
<th>Module</th>
<th>Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitutional and Administrative Law</td>
<td>20</td>
</tr>
<tr>
<td>Contract Law</td>
<td>20</td>
</tr>
<tr>
<td>Law of Tort</td>
<td>20</td>
</tr>
<tr>
<td>Criminal Law</td>
<td>20</td>
</tr>
<tr>
<td>Law of Equity and Trusts</td>
<td>20</td>
</tr>
<tr>
<td>Land Law</td>
<td>20</td>
</tr>
<tr>
<td>Law of the European Union</td>
<td>15</td>
</tr>
<tr>
<td>Independent Research Essay</td>
<td>30</td>
</tr>
</tbody>
</table>

GDL Assessment Regulations

The GDL assessment regulations set out in Appendix III of this handbook apply to exemption students with some exceptions.

If you are studying fewer than 60 credits on the GDL, it is not possible to make the higher awards (commendation and distinction) to you. However, you will received the full marks for the modules that you study.

Where an exemption student fails an individual assessment, achieving a mark of at least 35% but passes all other assessments at first attempt, it is only possible to compensate that fail in accordance with the assessment regulations if the student is studying at least 120 credits with BPP.
International Students

International students studying the GDL under a Tier 4 visa who wish to apply for admissions should check with the International Admissions team as to whether it is possible for them to do so under the terms of their visa.

Graduate LLB

It is not possible for students studying the GDL with exemptions to progress on to the Graduate LLB. This is because the Graduate LLB programme involves an element of Accredited Prior Learning, based on the student’s undergraduate degree, as part of the credits counting towards the final award. It is therefore necessary for students who wish to progress on to the Graduate LLB to complete the full GDL.

Further Queries

If you have any queries about whether you might be eligible for exemptions, or about any exemptions already granted, please speak to your programme leader or to Robert Hiscocks.
Appendix I GDL Teaching and Learning Strategy
Aim

The aim of the Teaching and Learning strategy is:

“To ensure that the approach to teaching and learning meets the aims of the BPP GDL”

Objectives

The objectives of the Teaching and Learning Strategy are to ensure that teaching and learning on the BPP GDL will:

1. be intellectually demanding and rigorous;
2. effectively develop legal problem solving abilities, communication, organisational and interpersonal skills;
3. comply with the requirements of the SRA and BSB’s written standards;
4. develop the experiential learning cycle by giving balanced treatment to each element of the learning cycle;
5. provide regular and detailed feedback allowing students to identify issues in their learning and adjust their approach accordingly; and
6. provide consistency of delivery at each site and on each mode.

Considerations for programme designers

In achieving these aims and objectives programme designers shall strive to:

1. produce sessions that are intellectually demanding;
2. require clear understanding and application of substantive law;
3. incorporate opportunities for students to develop relevant transferable and professional skills;
4. give clear guidance on the aims and objectives of sessions;
5. require students to read beyond basic texts by incorporating references to primary sources and practitioner materials;
6. require a significant level of preparation and planning by students before sessions take place;
   a) for lectures this will normally be pre-reading
   b) for small group sessions and seminars this should be pre-reading, accessing the online lecture and other materials and preparation of questions / activities
7. require students to complete or undertake further activities following on from a tutorial or seminar when appropriate (e.g. writing a practice essay);
8. design sessions which give appropriate opportunity for feedback, to include peer feedback and self-appraisal;
9. design lectures which enable students to understand the key principles of each topic;

10. design pre-small group session exercises that enable students to plan for small group session work; and

11. design small group sessions which allow students to practice cognitive skills and reflect on those skills.

**Lectures**

The aim of the lecture is to:

1. give an overview of a programme or modular area, incorporating relevant ethical, policy and doctrinal issues and drawing international comparisons where appropriate;

2. outline areas of academic debate within a programme or modular area;

3. prioritise learning points within a topic;

4. explain, emphasise and demonstrate with appropriate examples substantive points of law; and

5. where necessary, explain particular knowledge items where students might have difficulty in learning the facts or grasping the material simply through independent self.

**Implementation**

Lectures are structured around the aims set out at 1-5 above. Lecturers strive to make lectures as relevant, current and engaging as possible, avoiding the mere reciting of information which could be read in a textbook.

Online lectures are recorded versions of the lectures delivered live for September start students. Recording these live provides a dynamic and contemporary version of the lecture which records not only the key lecture delivery but also student questions and the answers from the lecturer.

Lecturers receive training in the various technologies appropriate to the delivery and capturing of their presentations. Relevant lecture materials will be available online in advance of each lecture, e.g., PowerPoint slides.

**Tutorials**

The aim of the tutorials is to:

1. achieve the stated learning outcomes for the module;

2. develop problem solving and other transferable skills at the level appropriate;

3. cover core case law and statutes researched by students prior to the session;

4. promote intellectual enquiry;

5. apply law to practical problems;
6. develop team-working skills, in the context of both collaborative and competitive exercises;
7. develop oral and written communication skills; and
8. develop the skill of advising a hypothetical client.

Implementation

Tutorials are intellectually demanding, requiring students to demonstrate a clear understanding of the law and the capacity to apply it to practical problems. Students may be asked to demonstrate their understanding by presenting an answer to a problem, or being asked to reflect on the answers given by other students. Students may be asked to work in small groups when appropriate, reporting back on part of the task using visual aids such as whiteboards where appropriate. Supplementary self-assessment questions are also used to consolidate knowledge through the virtual learning environment. The delivery of classes to distance learning students, part-time students and full-time students aims to be consistent in approach, process and outcome.

The tutor’s role is primarily that of a facilitator, opening and closing the session with appropriate introduction/guidance/conclusion. Tutors also direct questions at students during the small group sessions. The aim is for every student to be asked at least one direct question in a small group session. In addition, tutors challenge student answers and seek further explanation for answers offered by students. Tutors will also facilitate self-appraisal and peer feedback.

The sessions usually conclude with a tutor led plenary session.

Suggested solutions to questions are used sparingly and only where it assists the learning process.

These sessions take place both face-to-face at the Law School and online via the Adobe Connect delivery platform. This online classroom provides complete tutor to student and student to student interaction. The online pedagogical design and ease of use ensures that tutors and students engage as if they were meeting in a traditional classroom.

Within the Adobe classroom tutors can see and be seen by their students, who can talk to the class as a whole or with individual members or smaller groups within the class. Tutors can use a number of presentation tools (e.g. an electronic whiteboard or PowerPoint) to teach visually. Students and tutors can speak and hear each other. Students can raise their hands (with an electronic icon) indicating that they wish to ask or answer questions or to engage in discussion or debate. It is good practice to have a webcam of the tutor and/or the students; they can share documents, use an electronic whiteboard and the tutors can place students into break-out groups.

The break-out group facilitates student to student interaction with and without the tutors present. We expect students to participate online as they would in a normal face-to-face class. Tutors will invite students to participate regularly using the range of functions available in these classes.

In designing all the programmes the same pedagogical approach is followed to achieve the stated aim that all BPP students should receive a comparable learning experience.
Seminars

The aim of the seminar is to:

1. enable students to consolidate their knowledge and understanding of the material covered in the relevant lecture and small group session;
2. allow students to clarify points which remained unclear to them following delivery of the relevant lecture and small group session;
3. develop oral communication skills in an unfamiliar environment, outside of the standard tutorial group and under the guidance of a different facilitator; and
4. further develop the cognitive, professional and transferable skills developed in the small group sessions especially in relation to exam skills.

Implementation

Seminars are chiefly used for the purpose of consolidation of the aims and objectives of the small group session, although point 3 above is a distinct, freestanding aim. Seminars are exam focussed and allow students to work through typical exam style questions as a way of consolidating their knowledge and skills.

Mock Assessments

In order to give students a fair and adequate opportunity of successfully completing the assessments on the programme, students are provided with a comprehensive mock assessment programme.

Objectives

1. To give students the opportunity to practice writing answers to examination questions.
2. To provide them with opportunities to submit written work and receive feedback on their progress.
3. To enable students accurately to gauge their progress on the programme.
4. To communicate clearly to students the value of structure, preparation, understanding and clarity of explanation in ensuring success in the assessments.

Implementation

In each substantive module, students are offered the opportunity to submit two answers to examination questions and a mock MCT assessment in EU Law. The questions are distributed, with clear instructions as to how to prepare and get the most out of the assignment. Students are given one week to complete and submit their answers to their tutor for that module. The answers are then marked and returned to the students within 4 weeks, with detailed feedback on their answer and an outline
covering the main points that should have been dealt with. In addition, students who wish to can discuss their answer with the module tutor following return of the script.

This amounts to a comprehensive system of formative assessment in each of the seven core modules. The mock system ensures that students have the opportunity to practice exam-style question throughout the programme and receive feedback on their work and their progress through the programme, and have adequate practice in writing answers to examination questions before the summative assessment programme commences.

Self-testing

A significant skill for students to develop is the ability to critically evaluate their own work. Students are therefore offered a number of opportunities throughout the programme to take formative assessments (some of which are online) in addition to the mocks programme outlined above, following which they will be provided with outline answers to the assessment, accompanied with guidance as to how marks would be awarded.

Objectives

1. To provide students with further opportunities for practice in relation to assessments which form part of the programme.

2. To give students a clear understanding of the requirements of each assessment, in terms of the means by which they can pass each assessment and also perform to a high level.

3. To develop students’ capacity to review their own work on a critical basis and understand the ways in which they can improve that work.

Implementation

In relation to each summative assessment (apart from the independent research essay), students are offered practice assessment opportunities which they either prepare for discussion in a dedicated session set aside for this purpose or complete online and self-assess by reference to provided criteria.

In addition, certain topics within each module have been designated as self-study tutorials. Students are informed at the start of the programme which topics in each module are self-study tutorials and also the time at which they should prepare their answers to those tutorials. At the end of the time set aside for that preparation, students are provided with an outline of the key issues that should be discussed within that tutorial.

At the start of the programme, students are advised that the value of these self-assessment exercises lies in the student conducting independent research and reflection before considering the outlines provided. This point is reiterated to students when they receive each specific example.

In the BPP study notes for each substantive module, each chapter contains a number of activity points, directing students to research certain specific topics, for example by reading specified cases and statutes. In addition, at the end of each chapter, there are
a number of self-assessment questions, which assist the students in consolidating their knowledge and checking their understanding of the key issues. The virtual learning environment also contains a wealth of self-assessment tools, often in the form of asynchronous interactive tutorials. Here the student must engage with the material and complete the exercises and tasks set to trigger the revelation of the correct answers and accompanying explanations.

**Pre-directed Reading**

Given the intensive nature of the GDL, it is very important that students are given every opportunity for preparation and study prior to the start of the programme.

**Objectives**

1. To allow students the opportunity to prepare for the Induction module.
2. To prepare students for their studies in the foundation modules.
3. To encourage students to take responsibility for their own learning from the outset of the programme.
4. To enable students to access other services offered by BPP, including the Careers Service and guidance on securing accommodation.

**Implementation**

Once students have accepted a place on the programme, they are provided with access to BPP Law School’s pre-enrolment website. This includes information on the contents of the programme and details of the studies they will be undertaking and the assessments which they will take. The Induction manual is also placed on the website, together with a reading list. It is not anticipated that students will purchase any of the books listed. However, some students may wish to take the opportunity of borrowing copies of certain books from libraries they may have access to.

In addition, information and contact details are provided for services such as the Careers Service and Pro Bono Unit.

**Development of skills**

**Oral skills**

The Teaching and Learning Strategy deployed in the classroom (small group sessions) and Lecture Theatre (consolidation seminars) is designed to develop students’ oral communication skills. In particular, students are required to present answers to questions, individually and in groups, to engage in mooting and debating with their peers and to answer direct questions from their tutors.

The aim of the teaching of oral skills is to ensure that every student is able to develop and sustain an oral argument.
**Mooting/Debating**

Several small group sessions in the Induction and foundation modules require students to engage in mooting and debating. All students are also strongly encouraged to participate in the Law School mooting competitions which take place annually. Large numbers of GDL students participate every year.

**Written skills**

Written skills form the foundation of the GDL. The programme aims to develop students' written communication skills, to enable them to use language to communicate information accurately and effectively.

**Induction Course**

The Induction Module manual contains a chapter on written communication skills with worked examples which students are encouraged to work through during the Induction period.

**Feedback**

Students receive written feedback on their written communication skills on all formative assessments, as well as oral feedback from their tutor if requested. There is often a focus on written feedback on the GDL. However, there are a wide range of opportunities to receive feedback. In addition to the formal process stated above, students will receive constant feedback in tutorials and seminars from their tutors indicating how successfully they have answered questions or contributed to discussions and problem-solving. Following assessments, feedback reports are completed and returned to students who can then request a meeting with their tutor to discuss these issues further. Feedback is an important part of the teaching and learning loop whereby students gradually progress and test their knowledge.

**Legal research**

Legal research involves problem identification and analysis, information search and retrieval and communication of findings. This includes the ability to:

1. analyse the issues raised by a problem and identify which questions of law have to be researched;
2. identify and locate sources of information, both paper and electronic;
3. distinguish between relevant and irrelevant sources and materials;
4. check that the answer found is current; and
5. evaluate and synthesise relevant material.
Research programme

Legal research is introduced to students on the Induction module through a series of exercises. An introductory exercise is designed to expose students to the structure, layout and content of a law library which is then followed up by an exercise in which students have to undertake some basic legal research to answer a series of focused questions and problems.

Optional research lectures and seminars also take place later in the programme. These are highly popular with students and tied into the Independent Research Essay.

In addition the development of legal research skills is a pervasive goal throughout the GDL programme, with students expected to use an array of primary and secondary sources in all of the modular areas. To encourage this, research small group sessions have been designed in each module, requiring students to focus on particular primary source material outside the confines of the standard materials students are provided with at the beginning of the year to answer the questions set.

Assessment

Legal research is tested directly in the Independent Research Essay.

Problem-solving

The skill of problem solving is introduced to students on the Induction module as indicated above and is developed throughout the programme. One of the key methodologies utilised by GDL staff is the IRAC method which provides students both with an approach to problem solving and a consistent tutor tool throughout the GDL.

The method encourages students to:

- identify issues (I)
- use appropriate rules of law (R)
- then apply the rules to the issues (A)
- to produce a conclusion or a range of conclusions (C).

The focus of most of the small group session questions is to encourage and develop problem-solving skills in a realistic way.

Nearly 80% of the questions in the final assessments are problem-based (with the exception of the Constitutional and Administrative Law and EU Law papers).
Team work

The programme aims to encourage students to work co-operatively and constructively in a team as well as competitively.

Using teamwork is one of the teaching and learning techniques in widespread use on the GDL, for example:

**Presentations**

Students are sub-divided into groups and asked to analyse a problem together within a short time then present their findings to the rest of the group.

**Pair work**

Students are paired and offer each other feedback on a piece of a work. Alternatively paired students make a presentation on a topic or question to the group.

**Group exercises**

Groups of students are allocated specific questions in advance and asked to prepare presentations on those questions. Students are also divided into groups for debates and moots held in small group sessions.

**Self- and peer assessment**

The programme aims to develop in students the capacity to critically evaluate own work and that of others. Self-assessment involves students thinking critically about what they are learning, identifying appropriate standards of performance and applying them to their own work. A number of exercises on the programme have been designed to further this aim and to enhance and enrich the learning experience of the students.

For example, in certain modules, students are given three student answers to a particular examination question and asked to mark and grade the script. This exercise is staggered throughout the year for the different modules.

Questioning techniques used by tutors may also invite peer assessment of a student’s answer.

**Reflective learning**

The programme aims to develop students’ evaluative and critical skills and encourage them to reflect on their work and their learning. This is of course linked very closely with self-assessment which elevates the status of the student as learner to assessor and judge of quality, relevance and appropriateness of work. In the same way, reflective learning encourages the student to evaluate as they learn: it is important that the student is able to monitor and make changes to work during the ‘act of production’.
Lecturing techniques are used to encourage reflection and evaluation of law and legal argument. For example, students may be told the outcome of a particular case and then be asked to critically comment on the decision. In small group sessions and seminars questioning techniques are used to encourage students to engage in self-reflection and develop their capacity for critical evaluation of the merits of particular arguments.
Appendix II GDL Assessment Strategy
The Purpose of Assessment

Assessment is primarily for your benefit: to help you learn by giving you accurate information on your progress and performance in order to help you reflect on your progress and plan activities to improve your knowledge, understanding, or skills.

Assessment also gives you the opportunity to demonstrate what you have learned. It is the means by which your achievement is measured, in relation to the aims of your Programme and national statements about standards within Higher Education and the Legal Regulators.

Marks are internally monitored and moderated at the conclusion of each round of assessment.

Assessment tasks and processes are themselves designed to provide you with additional learning opportunities.

Learning Outcomes and Assessment Criteria

Most programmes are made up of a series of programme modules. Each module carries credit, and has defined learning outcomes. These detail what you are expected to achieve in that module. Your assessment is normally linked to the learning outcomes – to pass the module, you are normally expected to have met the learning outcomes. Below are the criteria that will be used in marking your work. You should use all this information to help you plan your work and assessments.

Introduction to GDL Programme Assessment

This section deals with:

- Assessment strategy
- Evaluation of the assessment strategy
- Procedures used for the assessment of the foundation modules and other area of legal study
- Assessment regulations specific to the GDL
- Evaluation of the procedures used for the assessment of the foundation modules and other area of legal study
- Moderation procedures

Students should also refer to the General Academic Regulations (GARs) and Manual of Policies and Procedures (MoPPs) available in the Registry section of the VLE for details of rules and procedures for:

- General Assessment Regulations
- The Fit to Sit policy
- Deferrals
Assessment Strategy

The aim of the assessment strategy is:

"To ensure that the assessment regime fulfils the aims and learning outcomes of the BPP GDL"

The objectives of the assessment strategy are to ensure assessments:

1. effectively test legal problem solving ability;
2. are intellectually demanding and rigorous;
3. comply with the requirements of the SRA and BSB;
4. use appropriate methodology (examination and coursework) to provide evidence that students have reached appropriate levels of achievement in each of the required areas of performance;
5. distinguish between pass, commendation and distinction students;
6. test a range of skills including:
   a) the ability to present a reasoned argument, both orally and in writing;
   b) the ability to analyse case law;
   c) the ability to analyse legislation;
   d) the ability to engage in independent legal research using a range of hard copy and electronic sources;
   e) the ability to take responsibility for their own learning and reflect on its progress;
   f) the ability to work effectively in group situations and to listen to and critique the arguments of others;
   g) the ability to express an argument both accurately and concisely;
   h) the ability to apply the law to practical problems;
   i) the ability to evaluate and synthesise doctrinal argument and construct a coherent argument from relevant data; and
   j) the ability to communicate advice on practical legal problems.
7. test the knowledge outcomes have been achieved in each of the seven core modules, in addition to the eighth area of study and the English legal system.

Considerations for Assessors

In achieving these aims and objectives assessors shall strive to:

1. produce assessments that are intellectually demanding and at the appropriate FHEQ level;
2. require understanding and application, not mere regurgitation of materials;
3. test professional skills and attitudes (such as organisation, maturity, planning and prioritising); and
4. provide clear guidance on the criteria for assessment which will be used in assessing student performance.

Examinations

Examinations will require students to demonstrate:

1. an ability to process large quantities of information rapidly and apply information towards the resolution of legal problems;
2. an ability to approach a problem logically, to analyse complex factual situations and evaluate a range of solutions;
3. an ability to apply substantive legal knowledge;
4. an ability to use language accurately and to communicate information efficiently and clearly in writing;
5. an ability to communicate practical advice in writing to hypothetical clients; and
6. an ability to express an argument in writing accurately and precisely.

Case analysis test

The Assessment will be a standalone exercise set in the context of any of the core modules.

The assessment will test a student’s ability to:

1. analyse information quickly and derive appropriate conclusions;
2. apply legal information towards the resolution of given problems;
3. evaluate different legal arguments;
4. extract essential points;
5. apply essential points to new situations; and
6. understand and evaluate different legal concepts and arguments.

**Statute analysis**

The Assessment will be a standalone exercise set in the context of any of the core modules.

The assessment will test a student’s ability to:
1. analyse information quickly and derive appropriate conclusions;
2. apply legal information towards the resolution of given problems;
3. evaluate formal legal language;
4. extract essential points;
5. apply essential points to new situations; and
6. understand legal concepts.

**Independent Research Essay**

This assessment will be student centred, set in an area of law which does not part of the foundation modules and limited to 4,000 words.

The assessment will test a student’s ability to:
1. analyse information and communicate ideas clearly;
2. conduct detailed independent legal research using both hard copy and online sources;
3. evaluate and synthesise different legal arguments;
4. read and understand legal materials which are written in technical and complex language; and
5. work autonomously in planning and undertaking research in an area of law they have not already studied and assume responsibility for the development of their own learning.
Formative assessments

Assessment for Learning

The very first module you study on the GDL, the English Legal System, contains full information and support for students on legal writing both generally and for the purposes of the GDL programme. There are lectures, podcasts and supporting material to assist you in understanding how your exams and assessments are marked on the GDL Programme and to assist you in preparing for your exams and assessments.

Formative Assessments and Assessment for Learning Opportunities

Formative assessments will be designed to meet the aims of the BPP Law School GDL. The formative assessments will be as follows:

1. practice English legal system tests (available online);
2. practice case analysis tests (available online);
3. practice statute analysis tests (available online);
4. practice EU MCT (available online);
5. two formal practice paper formative assessments in each foundation module (except EU Law);
6. in-module reference to the assessments criteria. For example, marking tutorials referencing prior student assessments and the application of the assessment marking schemes;
7. online optional self-assessment to enable students to understand their progression through each module. This may consist of pre-tutorial testing or post-tutorial testing or both;
8. your full preparation and active participation in each tutorial class will allow you to receive feedback from your tutor and your tutorial group; and

Practice Papers

Alongside the introduction to legal writing skills material and your tutorials, the practice paper scheme (formative assessments) is designed to develop your answer writing skills so that you can succeed in your GDL in-programme assessments and examinations. It is an optional scheme and it is not intended that you attempt every practice paper.

The optional weekly practice paper will be due during the relevant module class each week and deadlines are strictly enforced. These formative assessments are therefore a reflection of what you will need to do in your examinations and in-programme assessments.
You will have 2 opportunities to do a mock in each module.

**Evaluation of the assessment strategy**

The Director of Programmes and faculty teaching on the programme ensure that the GDL at BPP Law School is rigorously and fairly assessed and that the range of assessments used on the GDL is an effective and appropriate way of assessing the outcomes set for the programme.

The assessment package meets the assessment strategy in the following ways:

1. The assessment package comprises of a wide range of tests (including conventional written examinations, a case analysis test, a statute analysis test, an EU MCT assessment) designed to give each candidate the opportunity of demonstrating the acquisition of a range of knowledge, skills and abilities.

2. Legal research skills are thoroughly tested in the independent research essay.

3. BPP is committed to the principle that a candidate has:

   a) The right to know by what criteria they will be assessed.

   b) Appropriate opportunities to practice their assessment technique and receive appropriate feedback through a comprehensive formative assessment programme.

The following measures are taken to achieve these objectives:

1. The assessment package and criteria are set out in the programme handbook available online.

2. BPP provides formative assessment opportunities for all summative assessments barring the Independent Research Essay, where an essential element of assessment is that the student is required to complete the assessment with minimal guidance from tutors. However, students are given opportunities to submit practice assessments on essay questions elsewhere in the programme, particularly in Constitutional & Administrative Law.

3. Feedback is available to candidates after each formative assessment.

Feedback is provided in a number of ways:

1. The relevant module lecturer outlines the main elements expected of answers to formative and summative assessments during a designated lecture.

2. Any candidate who wishes to meet a tutor to discuss their formative and summative assessment progress and performance is able to do so.

3. All candidates who fail an assessment are provided with written feedback on their performance and oral feedback (either on an individual or group basis or both).
4. All candidates, regardless of whether they have passed or failed an assessment are provided with a copy of the Examiner’s Report to Students which highlights the main issues raised by the assessment and discusses the most common errors or failings.

**Assessment weighting, progression requirements and assessment regulation**

**Assessment weighting**

Below is a table giving details of the weighting of each assessment in the overall aggregate achieved by students on the GDL.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Mode of assessment</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Law of Contract</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>2. Law of Tort</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>3. Constitutional &amp; Administrative Law</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>4. Criminal Law</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>5. Land Law</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>6. Equity &amp; Trusts</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>7. European Union Law</td>
<td>1.5 hour MCT exam</td>
<td>8%</td>
</tr>
<tr>
<td>8. English Legal System and Method</td>
<td>Statute analysis test</td>
<td>5%</td>
</tr>
<tr>
<td></td>
<td>Case analysis test</td>
<td>5%</td>
</tr>
<tr>
<td>9. Research</td>
<td>Independent Research Essay</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>100%</td>
</tr>
</tbody>
</table>

**Progression requirements**

In accordance with the requirements of the SRA and BSB, students are required to pass all assessments before they can be awarded the GDL. However, students who fail one assessment, achieving a mark of 35 or more, and pass all other assessments at the first attempt can, at the discretion of the examination board, have that assessment compensated and be awarded the GDL – See Appendix III for full details of the Compensation Regulations.

**Assessment Regulation**

A copy of the assessment regulations can be found at Appendix III. These assessment regulations are drafted in accordance with the requirements of the SRA and BSB.

**Oral communication skills**

Students’ oral communication skills are assessed throughout the programme, first by student contributions to debates, moots and a quiz exercise during the Induction period and latterly through continuing assessment of student contributions in small group sessions in the foundation modules.
The aim of the scheme is to monitor and improve students' basic presentation skills. Every student is asked at least one question in every small group session.

The Law School mooting competitions also give a further outlet via which students may elect to demonstrate and improve their oral presentational skills.

**Procedures used for the assessment of the GDL Programme**

The Law School operates a structured regime to ensure that all assessments are rigorous, fair and consistent both in terms of their setting and marking. Brief details are set out below.

1. The prime responsibility for setting and marking assessments rests with the module leaders who are experienced in the setting and marking of examinations.

2. All draft assessments are scrutinised by the module scrutiny committee.

3. All draft assessments are then scrutinised by the GDL scrutiny committee chaired by the Director of Programmes or delegated to a senior member of the programme team.

4. All draft examinations are then sent to the Law School's external examiners for further scrutiny and approval.

5. All assessments are prepared in a 'house style' through a central production department. This ensures consistent presentation and instructions.

6. The module teams also prepare detailed marking guides for each question in the assessments, together with grade band descriptors.

7. Following completion of the assessment by the students, a number of scripts, normally a minimum of eight, are taken from across the different sites and modes of the GDL and selected for moderation. They are marked by all the markers for that assessment, who then meet to agree the marks for those scripts and review the marking guide and grade band descriptors.

8. As part of BPP’s commitment to equal opportunities students are asked at an early stage to notify the Law School of any special needs they may have with respect to assessments. BPP is committed to taking all appropriate steps to ensure that all candidates are assessed on an equal footing. Such steps in the past have included:

   a) making provision for candidates to sit examinations in a special environment;
   
   b) providing special lighting facilities for partially sighted students;
   
   c) providing extra time in examinations;
   
   d) allowing disabled students to type answers to examination papers directly on to a computer;
e) allowing dyslexic students to dictate their answer into a Dictaphone; and

f) providing for the transcription of a candidate’s written answers.

9. Once all results have been collated, an internal Board of Examiners then discusses the results and identifies any problems arising. The internal Board of Examiners is followed within a few days by the external Board of Examiners, after which the marks are revealed to the students.

**Marking scheme and criteria for the GDL Programme assessments and examinations**

Please find below the marking scheme and criteria used for GDL programme examinations and assessments:
### MARKING SCHEME

#### PROBLEM QUESTIONS

<table>
<thead>
<tr>
<th>80+</th>
<th>✓ Answers in this category will contain a level of accuracy and insight which raises them above an average distinction-level answer.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✓ Typically, these answers will mark themselves out by achieving the following:</td>
</tr>
<tr>
<td></td>
<td>▪ Serve as the basis of a ‘best practice’ answer to the legal problem</td>
</tr>
<tr>
<td></td>
<td>▪ Provide dynamic and original propositions on achieving an appropriate legal solution</td>
</tr>
<tr>
<td></td>
<td>▪ A completely comprehensive answer, covering all possible considerations in a high level of detail</td>
</tr>
<tr>
<td></td>
<td>▪ Absolute accuracy throughout</td>
</tr>
<tr>
<td></td>
<td>▪ Detailed and excellent use of case law throughout</td>
</tr>
<tr>
<td></td>
<td>▪ Highly articulate and succinct advice</td>
</tr>
<tr>
<td></td>
<td>▪ Displaying evidence of a deep level of understanding of the legal principles, highlighting the complexities and contentious issues in current legal thinking</td>
</tr>
<tr>
<td></td>
<td>▪ Provision of a wide range of legal authorities beyond those normally cited</td>
</tr>
<tr>
<td></td>
<td>▪ Evidences originality of thought</td>
</tr>
<tr>
<td>Score Range</td>
<td>Description</td>
</tr>
<tr>
<td>------------</td>
<td>-------------</td>
</tr>
</tbody>
</table>
| 70 - 79    | Answers will demonstrate a comprehensive and accurate understanding of the legal principles involved, but also the arguments formed in application will show evidence of thoughtful reflection of these rules in relation to the questions facts. Very minor errors and/or omissions may be present. It does not need to be perfect. Typically, these answers will be above a 60’s band because of displaying at least one, if not all, of the following qualities:  
  - Spotted points rarely seen  
  - Intelligent use of question facts and authorities to form original and/or pertinent/considered legal arguments in application  
  - Succinct explanations |
| 60 - 69    | Answers will be presented in a clear and organised structure, demonstrating a sound understanding of the legal principles, supported by authorities, which are demonstrably well understood, and there will be some evidence of application demonstrating some analytical ability. Typically answers will display all or some of the following:  
  - All major issues spotted  
  - Arguments are succinctly and cogently presented, some of which displaying evidence of thought and reflection  
  - Explanation and application of the legal principles is accurate and comprehensive  
  - Authorities are utilised to form legal arguments – candidates demonstrating the ability to both distinguish cases on their facts and argue by analogy.  
  - Minor errors may be present |
<p>| 50-59      | Answers will be substantially correct technically and show an adequate understanding of the basic principles, covering the main legal issues raised in the question. Typically answers will fail to reach the next band due to the |</p>
<table>
<thead>
<tr>
<th>Band</th>
<th>Description</th>
</tr>
</thead>
</table>
| 40-49   | Answers will demonstrate a basic understanding of the legal issues however some, or all, of the following may be present to prevent a higher grade from being awarded:  
  - A number of significant omissions  
  - Explanations of the law may lack clarity / accuracy  
  - Discussion may be descriptive rather than analytical  
  - Does not answer the question directly  
  - Use of authorities will be missing / limited and, where present, will be insufficiently utilised to enhance arguments |
| 35 – 39 | Answers will contain some appropriate material, showing general familiarity with the topic area, but the organisation and discussion of such material will be inadequate to convey a sufficient understanding to be awarded a pass.  
  - Typically, answers will display:  
    - Little appropriate or accurate material  
    - Only cursorily coverage of the basic material  
    - Poorly presented without development of arguments or, if developed, difficult or impossible to follow |

NB an answer that demonstrates a good grasp of the legal principles but contains no application to the question set by the examiner is unlikely to score above this band.
<table>
<thead>
<tr>
<th>Score Range</th>
<th>Description</th>
</tr>
</thead>
</table>
| **30 - 34** | ✓ Answers will fail to convey any clear understanding of the issues involved in the question and the law applicable to those issues.  
 ✓ Answers will display most, if not all, of the following:  
  - Inaccurate interpretation of the question (irrelevancies)  
  - Weak / fragmented / no structure  
  - Incomprehensible explanation of the legal principles / no explanation  
  - Incomprehensible analysis / application  
  - Limited or no authorities; those mentioned will be insufficiently utilised |
| **20 - 29** | ✓ Answers will contain little material of relevance to the question, failing to show any significant knowledge of the subject area. Such answers may also be skeletal, covering only a small proportion of the material in the question.  
 ✓ Answers will typically display:  
  - A high degree of confusion about the subject area  
  - Incomprehensible discussion  
  - Large chunks of irrelevancy  
  - Only partial reference to the question  
  - Inaccurate and incomplete law  
  - Generally, little appreciation of the issues raised  
  - Only the most basic principles of law |
| **10 - 19** | ✓ Answers in this category will contain very little material that is in any way worthy of credit.  
 ✓ Answers will display some or all of the following qualities:  
  - Completely fragmented style, with little continuous prose |
<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ Virtually no reference to the question / appropriate law</td>
</tr>
<tr>
<td>▪ Completely inaccurate / incomprehensible explanation of the legal principles and</td>
</tr>
<tr>
<td>▪ Virtually no authorities</td>
</tr>
<tr>
<td>▪ A few correct principles cited without any authority</td>
</tr>
<tr>
<td>▪ Very limited understanding evident</td>
</tr>
<tr>
<td>0 - 9</td>
</tr>
<tr>
<td>✓ Answers in this category will often display some, or a mixture of the following qualities:</td>
</tr>
<tr>
<td>▪ Extremely brief, consisting only of preliminary remarks</td>
</tr>
<tr>
<td>▪ Completely irrelevant</td>
</tr>
<tr>
<td>▪ Entirely made up of speculation about the facts, containing no legal content at all</td>
</tr>
<tr>
<td>▪ Totally incomprehensible</td>
</tr>
</tbody>
</table>

**Note:**

A student who omits an issue should be judged by the overall standard of the answer but with an appropriate proportion of the marks withheld.

An answer which has some particularly good feature (e.g. one issue dealt with particularly well) will be given credit for that and this may increase the mark to one higher than the overall standard of the answer suggests.
MARKING SCHEME

ESSAY QUESTIONS

Graduate Diploma in Law

Band 80%+

Answers will be excellent, have a clear message displaying personal reflection informed by wider reading of article/commentaries.

Reference to the essay title/quote throughout with excellent use of academics and own opinion. There is clear evidence of detailed analysis and evaluation. Well focused and strictly relevant with a clear explanation of the pertinent issues.

Candidate gives a very strong conclusion/evaluation.

Answer will be well structured, clear and easy to follow. It will not contain irrelevant information.

Answer will make excellent use of the relevant law throughout.

The answer will demonstrate that the candidate has given real thought to the relevant material e.g. by making ‘good points’, possibly including some not covered in the outline answer.

The candidate demonstrates a degree of originality in their answers. The style adopted flows well. There is no ambiguity.

Higher marks in this band will be for an answer which continually reference the question and make effective use of academic and legal authority. The answer will be fearless in presenting own opinion and argument.

A substantial degree of originality in the answer will be present with clear, focused and precise use of authority and language.

Band 70% - 79% (Distinction)

There will be reference to the essay title/quote throughout.

Discusses authorities and arguments well and expresses own opinions. Good use of academics/authorities, etc. with a solid and logical structure.
Candidate gives a very strong conclusion/evaluation. Strong structure and the answer is both logical and clear. The answer will contain few omissions in a concise style and there will be little irrelevant material or narrative.

**Band 60% - 69% (Commendation)**

The answer represents a very competent narrative essay. Good use of authorities and references to quote/title. There is lucid use of academic opinion. There may be some minor gaps in analysis/evaluation.

A script that demonstrates some originality (albeit of a limited nature) and/or the formulation of a personal view can be awarded a mark in the upper 60s.

Much of the law stated is correct and clearly explained. There will be good use of the relevant law. Essays will be of a good standard although, they may be fairly narrative. There may be some minor gaps in analysis/evaluation.

The answer should be well structured, read well and there should be little ambiguity. An answer that contains irrelevant material is unlikely to score in the high 60s.

**Band 50% - 59% (Pass)**

Competent narrative essay though may contain some minor errors and omissions.

Answer may lack a solid structure and is not always directly related to title or quote.

A number of pertinent authorities but lacking in any detailed analysis or poorly applied. There may be a degree of fragmentation.

Conclusion may be superficial.

The answer addresses most pertinent issues. An answer with a number of significant omissions will score in the low 50s.

There is some evidence of thoughtful consideration of the legal arguments.

Arguments given are largely relevant to the question.

The answer will have a (generally) logical structure with few ambiguities in content.

**40% - 49% (Pass)**

The essay is largely narrative and does answer all the basic points. There is weak analysis, superficiality, fragmentation and there may be a number of omissions.

The essay contains a lot of irrelevant information with little reference back to the question being asked.

The candidate recognises many of principal issues but often through a ‘scatter-gun’ approach. There may be some omissions and areas of misunderstanding.

Understanding of relevant law will be limited and/or superficial.
There will be a restricted use of authorities

FAILS

Band 35% - 39% (compensatable fail possible – see compensation regulations)

The candidate has failed to answer the question in whole or part. There is only a limited grasp of the pertinent issues.

Explanations given are largely narrative and lacking in focus. No sign of any real evaluation.

A candidate will be a borderline fail if they show a limited understanding of the law, weak analysis and a high degree of superficiality.

The structure will be disjointed and/or fragmented. Parts of the answer may show ambiguity which distorts meaning.

They may be significant omissions which result in the answer being both incomplete and difficult to follow.

Band 20 - 34% (Outright Fail)

The candidate primarily failed to answer the question. The work is purely narrative, with little focus and few, if any, references to appropriate authorities. Structure is both illogical and ambiguous.

The candidate displays little if any knowledge of the basic principles of law relevant to the question. Very few authorities are cited. The answer demonstrates little, if any, knowledge of law. Much of it is narrative.

The answer is extremely weak, poorly evaluated, very superficial and includes much irrelevant material often in a (highly) fragmented style.

If a structure has been adopted it will be largely illogical and hard to follow.

Band 0 - 19% (Outright Fail)

The candidate fails to answer the question in any meaningful manner. What is written is purely narrative, disjointed and rambling. There is no appropriate structure and little, to no, evidence of logical thought or analysis.

An exceptionally weak answer of a standard far below that which should be expected.

If any law is utilised it is likely to be irrelevant or incorrectly utilised. It is unlikely to address the question.
Appendix III GDL Programme and Assessment Regulations
INTRODUCTION

The General Academic Regulations (GARs) and Manual of Policies and Procedures (MoPPs) govern the conduct of all BPP assessments. Key issues are dealt with below. On any matter on which these regulations are silent, the GARs and MoPPs available on the Registry tab of the VLE, should be consulted.

1. The Examination Board

1.1 The GDL Examinations Board shall be constituted in accordance with the GARs.

1.2 On any matter which the external examiners have declared to be a matter of principle, the decision of the external examiners shall be final.

2. The assessment

2.1 In order to satisfy the Examinations Board a student must pass:

A written assessment on the English Legal System, to be sat after the Induction Course and to be marked on a competent/non-competent basis and, subject to regulation 4, all 10 assessments set out at paragraph 2.3 below.

2.2 The pass mark for each assessment and for establishing competence in the English Legal System test shall be 40%.

2.3 The student’s final percentage grade for the programme shall be the weighted average calculated according to the weighting of each of the 10 assessments.

The assessments and their weightings are set out in the following table.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Mode of assessment</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Law of Contract</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>2. Law of Tort</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>3. Constitutional &amp; Administrative Law</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>4. Criminal Law</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>5. Land Law</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>6. Equity &amp; Trusts</td>
<td>3 hour exam</td>
<td>12%</td>
</tr>
<tr>
<td>7. European Union Law</td>
<td>EU MCT</td>
<td>8%</td>
</tr>
<tr>
<td>8.</td>
<td>Statute analysis test</td>
<td>5%</td>
</tr>
<tr>
<td>9.</td>
<td>Case analysis test</td>
<td>5%</td>
</tr>
<tr>
<td>10.</td>
<td>Independent Research Essay</td>
<td>10%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>100%</td>
</tr>
</tbody>
</table>
2.4 Assessments 8-10 are not module specific. They provide coursework in the module areas covered by assessments 1-7 or in areas outside the core modules. The allocation of modules to units 8-10 may vary from year to year.

2.5 Assessment 10 shall be on a topic set or approved by the Law School.

2.6 The assessment regime for part time students shall be split as follows between year 1 and year 2:

<table>
<thead>
<tr>
<th>Year 1</th>
<th>Year 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELS Test</td>
<td>EU MCT</td>
</tr>
<tr>
<td>Law of Contract</td>
<td>Criminal Law</td>
</tr>
<tr>
<td>Law of Tort</td>
<td>Land Law</td>
</tr>
<tr>
<td>Constitutional and Administrative Law</td>
<td>Equity and Trusts</td>
</tr>
<tr>
<td>Case Analysis Test</td>
<td>Statute Analysis Test</td>
</tr>
</tbody>
</table>

Part Time Students can choose to sit the Independent Research Essay in year 1 or year 2. Guidance on when to sit the IRE will be provided by the relevant programme leader in the course of the year.

3. The award

3.1 Upon successful completion of the programme a student shall be awarded the BPP Law School Graduate Diploma in Law.

3.2 Distinctions

A student shall be awarded a distinction where:

- they have passed all assessments at the first attempt, without any module being compensated; and
- they have obtained an aggregate mark of at least 70% in the assessments.

A student may be awarded a distinction where:

- they have passed all assessments at the first attempt, without any module being compensated; and
- their aggregate mark is no lower than 67%; and
- they have obtained at least 70% in at least 50% of the modules counting towards the final award; and
• the Examinations Board considers it not inappropriate to award a distinction.

3.3 Commendations

A student shall be awarded a commendation where:

• they have passed all assessments at the first attempt, without any module being compensated; and
• they have obtained an aggregate mark of at least 60% in the assessments.

A student may be awarded a commendation where:

• they have passed all assessments at the first attempt, without any module being compensated; and
• their aggregate mark is no lower than 58%; and
• they have obtained at least 60% in at least 50% of the modules counting towards the final award; and
• the Examinations Board considers it not inappropriate to award a Commendation.

4. Compensation

4.1 A full time student who has failed only one assessment, and has passed all other assessments at the first attempt, may, at the discretion of the Examinations Board, have the failed assessment compensated if:

• the mark in the failed assessment is not less 35%; and
• the Examinations Board has considered the marks of all of the elements of the assessments and is satisfied that there is strength elsewhere in the student's performance to justify compensation of the marginal fail.

4.2 A part time student who has failed only one assessment, and has passed all other assessments in that year at first attempt, may have that assessment compensated in accordance with paragraph 4.1 above. Compensation can be applied in either the first year or second year.

4.3 A part time student who has failed an assessment in the first year, may, subject to the discretion of the Examinations Board, have a failed assessment in the second year compensated in accordance with regulations 4.1 and 4.2 above.

4.4 In relation to both full time and part time students, compensation shall be exercisable on one occasion only.
4.5 Compensation may be exercised in the case of examinations, project, analysis tests or the Independent Research Essay provided it has not been used earlier.

4.6 A failure in the English Legal System test cannot be compensated.

5. Reassessment of full time students

5.1 A student who is judged non-competent in the English Legal System test shall be given one further opportunity to achieve competence by the end of the first term of the programme. If the student still fails to achieve competence they shall fail the programme and shall withdraw.

5.2 A student who fails a project, analysis test or the IRE shall be given two further assessment opportunities in equivalent exercises. The first reassessment opportunity may be before the start of the next academic year or during the next academic year, depending on the month of commencement of the programme. The second reassessment opportunity will normally be in the next academic year.

5.3 A student who fails one or more examinations will only be reassessed in the failed examinations.

5.4 All examinations in which a student is required to be reassessed must be taken at the same sitting.

Where a student is required to be reassessed in any examination, the first reassessment opportunity may be before the start of the next academic year or during the next academic year, depending on the month of commencement of the programme. The second reassessment opportunity will normally be in the next academic year.

5.5 Save in exceptional circumstances and with the approval of external regulators as required, no student shall be assessed in any assessment on more than three occasions (two occasions for the English Legal System). For the purposes of this regulation, an attempt at an equivalent unit of assessment on a CPE or Diploma in Law programme at another institution shall count as an attempt at that assessment on the BPP Law School programme.

5.6 The maximum mark obtainable on a reassessed assessment shall be 40%.

5.7 Students who have failed assessments are expected to retake those assessments at the next available sitting, subject to regulation 10 below (relating to mitigating circumstances and deferrals).
6. Reassessment of part-time students

6.1 A student who is judged non-competent in the English Legal System test shall be given one further opportunity to achieve competence by the end of the first term of the programme. If the student still fails to achieve competence they shall fail the programme and shall withdraw.

6.2 A student who fails a project, analysis test or the IRE shall be given two further assessment opportunities in equivalent exercises. The first reassessment opportunity may be before the start of the next academic year or during the next academic year, depending on the month of commencement of the programme. The second reassessment opportunity will normally be in the next academic year.

6.3 In the first and in the second year of the programme:

A student who fails one examination, but who passes all other examinations taken in that year of the programme, shall, if the failure cannot be compensated under regulation 4, be reassessed in that examination.

A student who fails one or more examinations will only be reassessed in the failed examinations.

6.4 All examinations in which a student is required to be reassessed must be taken at the same sitting.

Where a student is required to be reassessed in any examination, the first reassessment opportunity may be before the start of the next academic year or during the next academic year, depending on the month of commencement of the programme. The second reassessment opportunity will normally be in the next academic year.

6.5 Where a student fails a reassessed examination, the Examinations Board will allow one further reassessment.

6.6 Save in exceptional circumstances and with the approval of external regulators as required, no student shall be assessed in any assessment on more than three occasions (two occasions for the English Legal System). For the purposes of this regulation an attempt at an equivalent unit of assessment on a CPE or Diploma in Law programme at another institution shall count as an attempt at that unit on the BPP Law School programme.

6.7 The maximum mark obtainable on a reassessment of any assessment shall be 40%.
6.8 A student who has been compensated under regulation 4 in the first year of the programme shall not be compensated again in the second year.

6.9 Students who have failed assessments are expected to retake those assessments at the next available sitting, subject to regulation 10 below (relating to mitigating circumstances and deferrals).

7. Progression: Part Time Students

7.1 A part time student who has not completed successfully all assessments in year 1 at the end of the first year of their programme may not progress on to year 2 until they have completed all assessments, subject to regulation 7.2 below.

7.2 A part time student who at the end of a year has outstanding:

(a) one module exam only;

(b) the case analysis test; or

(c) a combination of (a) and (b) above

may progress on to year 2 with these assessments still to be passed.

8. Time-limits for completing the programme

8.1 A full time student must complete the programme within 3 years. A part-time student must complete the programme within 4 years.

8.2 A student is deemed to have started the programme on the first day their programme.

8.3 A student is deemed to complete the programme in accordance with regulation 8.1 if he or she has taken all relevant assessments within 30 days of the expiry of the relevant period, irrespective of the date of the meeting of the Examinations Board or the publication of results.

9. Absence from, failure to submit and late submission of assessments

9.1 Subject to regulation 10, absence from an examination or other supervised assessment shall count as a sitting of that assessment and the student shall be deemed to fail the assessment.
9.2 Subject to regulation 10, failure to submit an unsupervised assessment shall count as an attempt of that assessment and the student shall be deemed to fail that assessment.

9.3 Subject to regulation 10, the submission of an unsupervised assessment after the deadline for its submission shall result in a penalty, in accordance with the procedures set out in the GARs.

10. Mitigating circumstances, deferrals and extensions

10.1 A student who, by reason of illness or other mitigating circumstances, is prevented from sitting all or part of an assessment or whose performance in an assessment is substantially impaired should apply for a deferral or mitigating circumstances in accordance with the MoPPs. In the event of a successful application, the sitting of that assessment shall be disregarded.

10.2 A student who considers that they require additional time to complete a coursework or other untimed assessment should apply for an extension or mitigating circumstances in accordance with the MoPPs. In the event of a successful application, the late submission of that assessment shall be disregarded.

10.3 Where a student is granted a deferral or a mitigating circumstances application, the relevant assessment will normally be sat at the next available sitting, subject to the possibility of further deferrals.

11. Other Regulations

11.1 Academic Stage Handbook and the General Academic Regulations

These regulations are drafted and shall be interpreted in accordance with the Academic Stage Handbook or any other regulations and guidelines issued from time to time by the Solicitors Regulatory Authority (SRA) and the Bar Standards Board (BSB) and also in accordance with the GARs and MoPPs. In the event of any conflict between these regulations and any regulations and guidelines issued by the SRA and or the BSB, the latter regulations and guidelines shall prevail.

11.2 Commencement of the programme

No student may be admitted to the programme more than four weeks after the formal commencement of the programme.
11.3 Appeal Regulations

Any appeal against a decision of the Examinations Board must be brought in accordance with BPP Law School’s Assessment Appeal Regulations which are set out in the GARs. There can be no appeal on issues of academic judgment.

11.4 Academic Malpractice

Any allegation of Academic Malpractice will be considered under the GARs.

11.5 Programme Admissions

UK and EU Admissions

The programme is validated for non-law graduates, graduates with a non-qualifying law degree and non-graduates with significant managerial experience.

UK graduates require a minimum Second Class Honours Degree (Lower Division) or equivalent in any subject from a recognised UK institution.

Applicants with an overseas degree and students without the minimum academic qualification are required to produce evidence to demonstrate that they meet the academic entrance requirements of the professional bodies.

Full Time

The above Admissions Policy applies to the Full Time Programme at all locations and across both modes of delivery.

All Full Time students must apply through the Central Applications Board (CAB).

Part Time

The above Admissions Policy applies to the Part Time Programme at all locations and across both modes of delivery.

All Part Time students should apply directly through the BPP Admissions Team.

Non-EU International Admissions;

International applicants are required to produce evidence to demonstrate that they meet the academic entrance requirements of the professional bodies.

Students who have completed their degree outside the UK and who do not come from a majority English Speaking Country will be required to produce a valid IELTS level 6.5 with a minimum 6.0 at each level.
11.6 Commencement of these regulations

These regulations apply to students who commenced the GDL in September 2015 or later.
Appendix IV Sample List of Key Dates

Below is the key dates list for Full time students starting in September 2016. Key dates lists for each different mode and cohort of the programme can be found on the VLE.
Registration
For details of the date of registration for the GDL at your study centre, please refer to instructions emailed to you in September by the Student Records team.

Table 1 – Teaching Week Activities

<table>
<thead>
<tr>
<th>Week commencing</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday 03 October 2016</td>
<td>Induction – English Legal System</td>
</tr>
<tr>
<td>Monday 10 October</td>
<td>Induction – Law in Practice</td>
</tr>
<tr>
<td></td>
<td>EU Teaching week 1</td>
</tr>
<tr>
<td>Monday 17 October</td>
<td>Substantive Teaching 1</td>
</tr>
<tr>
<td>Monday 24 October</td>
<td>Substantive Teaching 2</td>
</tr>
<tr>
<td>Monday 31 October</td>
<td>Substantive Teaching 3</td>
</tr>
<tr>
<td>Monday 07 November</td>
<td>Substantive Teaching 4</td>
</tr>
<tr>
<td>Monday 14 November</td>
<td>GDL Extra/GDL Skills in Practice</td>
</tr>
<tr>
<td></td>
<td>(See centre specific schedule for individual events)</td>
</tr>
<tr>
<td></td>
<td>No Substantive Teaching</td>
</tr>
<tr>
<td>Monday 21 November</td>
<td>Substantive Teaching 5</td>
</tr>
<tr>
<td>Monday 28 November</td>
<td>Substantive Teaching 6</td>
</tr>
<tr>
<td>Monday 05 December</td>
<td>Substantive Teaching 7</td>
</tr>
<tr>
<td>Monday 12 December</td>
<td>Substantive Teaching 8</td>
</tr>
<tr>
<td>Monday 19 December</td>
<td>Christmas Holiday</td>
</tr>
<tr>
<td></td>
<td>No Substantive Teaching</td>
</tr>
<tr>
<td>Monday 26 December</td>
<td>Christmas Holiday</td>
</tr>
<tr>
<td></td>
<td>No Substantive Teaching</td>
</tr>
<tr>
<td>Monday 02 January 2017</td>
<td>Assessment week (EU MCT)</td>
</tr>
<tr>
<td></td>
<td>No Substantive Teaching</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
</tr>
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<tr>
<td>Monday 09 January</td>
<td>Substantive Teaching 9</td>
</tr>
<tr>
<td>Monday 16 January</td>
<td>Substantive Teaching 10</td>
</tr>
<tr>
<td>Monday 23 January</td>
<td>Substantive Teaching 11</td>
</tr>
<tr>
<td>Monday 30 January</td>
<td>Substantive Teaching 12</td>
</tr>
<tr>
<td>Monday 06 February</td>
<td>Substantive Teaching 13</td>
</tr>
<tr>
<td>Monday 13 February</td>
<td>GDL Extra/GDL Skills in Practice</td>
</tr>
<tr>
<td></td>
<td>(See centre specific schedule for individual events)</td>
</tr>
<tr>
<td></td>
<td>No Substantive Teaching</td>
</tr>
<tr>
<td>Monday 20 February</td>
<td>Substantive Teaching 14</td>
</tr>
<tr>
<td>Monday 27 February</td>
<td>Substantive Teaching 15</td>
</tr>
<tr>
<td>Monday 06 March</td>
<td>Substantive Teaching 16</td>
</tr>
<tr>
<td>Monday 13 March</td>
<td>Substantive Teaching 17</td>
</tr>
<tr>
<td>Monday 20 March</td>
<td>Substantive Teaching 18</td>
</tr>
<tr>
<td></td>
<td>Last Substantive week of Teaching</td>
</tr>
<tr>
<td>Monday 27 March</td>
<td><strong>Assessment Week (IRE Submission)</strong></td>
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<td><strong>No Substantive Teaching</strong></td>
</tr>
<tr>
<td>Monday 03 April</td>
<td>Revision Period</td>
</tr>
<tr>
<td>Monday 10 April</td>
<td>Law School Closed from Friday 14 April</td>
</tr>
<tr>
<td>Monday 17 April</td>
<td>Easter Holiday</td>
</tr>
<tr>
<td></td>
<td>Law School Closed until Tuesday 18 April</td>
</tr>
<tr>
<td>Monday 24 April</td>
<td>Revision Period</td>
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<tr>
<td>Monday 01 May</td>
<td>Revision Period</td>
</tr>
<tr>
<td>Monday 08 May</td>
<td>Examinations</td>
</tr>
<tr>
<td>Monday 15 May</td>
<td>Revision Period</td>
</tr>
<tr>
<td>Monday 22 May</td>
<td>Examinations</td>
</tr>
<tr>
<td>Monday 29 May</td>
<td>Analysis Tests</td>
</tr>
<tr>
<td>Monday 05 June</td>
<td>Analysis Tests</td>
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### Table 2 – Assessment Dates

<table>
<thead>
<tr>
<th>Assessment Dates</th>
<th>Title of Assessment</th>
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</thead>
<tbody>
<tr>
<td>14 October 2016</td>
<td>English Legal System Test released</td>
</tr>
<tr>
<td>21 October</td>
<td>Independent Research Essay released</td>
</tr>
<tr>
<td>27 October</td>
<td>English Legal System Test submission deadline</td>
</tr>
<tr>
<td>05/06 January 2017</td>
<td>EU MCT examination</td>
</tr>
<tr>
<td>05 April</td>
<td>Independent Research Essay submission deadline</td>
</tr>
<tr>
<td>08 – 26 May</td>
<td>Substantive Module Examinations Period</td>
</tr>
<tr>
<td>08 May</td>
<td>Tort Exam</td>
</tr>
<tr>
<td>10 May</td>
<td>Con &amp; Ad Exam</td>
</tr>
<tr>
<td>12 May</td>
<td>Contract Exam</td>
</tr>
<tr>
<td>22 May</td>
<td>Crime Exam</td>
</tr>
<tr>
<td>24 May</td>
<td>Land Exam</td>
</tr>
<tr>
<td>26 May</td>
<td>Equity &amp; Trusts Exam</td>
</tr>
<tr>
<td>26 May</td>
<td>Case and Statute Analysis Tests: release of Judgement and Statute</td>
</tr>
<tr>
<td>01/02 June</td>
<td>Case Analysis Test</td>
</tr>
<tr>
<td>05/06 June</td>
<td>Statute Analysis Test</td>
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### Table 3 – Assessment Result Dates

<table>
<thead>
<tr>
<th>Assessment Results Dates</th>
<th>Title of Assessment</th>
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</thead>
<tbody>
<tr>
<td>18 November 2016</td>
<td>English Legal System Test results</td>
</tr>
<tr>
<td>03 February 2017</td>
<td>EU MCT Results</td>
</tr>
<tr>
<td>10 July</td>
<td>Independent Research Essay results</td>
</tr>
<tr>
<td></td>
<td>Case and Statute Analysis Test Results</td>
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<td>All results from May 2017 examinations</td>
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### Table 4 – Second Sit Assessment Dates

<table>
<thead>
<tr>
<th>Re-sit Assessment Dates</th>
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</thead>
<tbody>
<tr>
<td>25 November 2016</td>
<td>English Legal System Test second sit released</td>
</tr>
<tr>
<td>08 December</td>
<td>English Legal System Test second sit submission deadline</td>
</tr>
<tr>
<td>7 April 2017</td>
<td>EU MCT second sit examination</td>
</tr>
<tr>
<td>07 – 21 August</td>
<td>Substantive Module Examinations Period</td>
</tr>
<tr>
<td></td>
<td>07 August Tort Exam</td>
</tr>
<tr>
<td></td>
<td>09 August Con &amp; Ad Exam</td>
</tr>
<tr>
<td></td>
<td>11 August Contract Exam</td>
</tr>
<tr>
<td></td>
<td>16 August Crime Exam</td>
</tr>
<tr>
<td></td>
<td>18 August Land Exam</td>
</tr>
<tr>
<td>Date</td>
<td>Title of Assessment</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>21 August</td>
<td>Equity &amp; Trusts Exam</td>
</tr>
<tr>
<td>22 August</td>
<td>Case and Statute Analysis Test second sit: release of Judgment and Statute</td>
</tr>
<tr>
<td>25 August</td>
<td>Independent Research Essay second sit submission deadline</td>
</tr>
<tr>
<td>01 September</td>
<td>Case Analysis Test second sit</td>
</tr>
<tr>
<td>04 September</td>
<td>Statute Analysis Test second sit</td>
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### Table 5 – Second Sit Assessment Result Dates

<table>
<thead>
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<th>Re-sit Assessment Results Dates</th>
<th>Title of Assessment</th>
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</thead>
<tbody>
<tr>
<td>04 January 2017</td>
<td>English Legal System Test second sit results</td>
</tr>
<tr>
<td>28 April</td>
<td>EU MCT second sit results</td>
</tr>
<tr>
<td>12 September</td>
<td>Case and Statute Analysis second sit Tests results</td>
</tr>
<tr>
<td></td>
<td>Independent Research Essay second sit results</td>
</tr>
<tr>
<td></td>
<td>All results from substantive module second sit examinations</td>
</tr>
<tr>
<td></td>
<td>EU MCT resit results</td>
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### Table 6 – Third Sit Assessment Dates

<table>
<thead>
<tr>
<th>Re-sit Assessment Dates</th>
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</thead>
<tbody>
<tr>
<td>22 August 2017</td>
<td>EU MCT third sit</td>
</tr>
<tr>
<td>23 October – 3 November</td>
<td>Substantive Module Examinations third sit</td>
</tr>
<tr>
<td>23 October</td>
<td>Con &amp; Ad Exam</td>
</tr>
<tr>
<td>25 October</td>
<td>Contract Exam</td>
</tr>
<tr>
<td>27 October</td>
<td>Tort Exam</td>
</tr>
<tr>
<td>30 October</td>
<td>Equity &amp; Trusts Exam</td>
</tr>
<tr>
<td>1 November</td>
<td>Crime Exam</td>
</tr>
<tr>
<td>3 November</td>
<td>Land Exam</td>
</tr>
<tr>
<td>3 November</td>
<td>Case and Statute Analysis Test third sits: release of Judgment and Statute</td>
</tr>
<tr>
<td>17 November</td>
<td>Independent Research Essay third sit submission deadline</td>
</tr>
<tr>
<td>20 November</td>
<td>Case and Statute Analysis Test third sits</td>
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Table 7 – Third Sit Assessment Result Dates

<table>
<thead>
<tr>
<th>Re-sit Assessment Results Dates</th>
<th>Title of Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 September</td>
<td>EU MCT Third Sit results</td>
</tr>
<tr>
<td>11 December 2017</td>
<td>Case and Statute Analysis third sit Tests results</td>
</tr>
<tr>
<td></td>
<td>Independent Research Essay third sit results</td>
</tr>
<tr>
<td></td>
<td>All results from Oct/Nov 2017 examinations</td>
</tr>
</tbody>
</table>

**Important Notes**

All results published during the programme are provisional, pending the decision of the Examinations Board and Academic Council.

Results cannot be given out over the telephone or to relatives.

The release of results to any individual student is conditional upon full payment of all monies owing at the date to BPP, plus the return of any outstanding library books and locker keys.
Appendix V Coverage of Career Ready Skills within GDL Modules
### GRADUATE DIPLOMA IN LAW

#### COVERAGE OF CAREER READY SKILLS WITHIN GDL MODULES

<table>
<thead>
<tr>
<th></th>
<th>Con &amp; Ad</th>
<th>Contract</th>
<th>Criminal Law</th>
<th>English Legal System</th>
<th>Equity &amp; Trusts</th>
<th>EU Law</th>
<th>Land Law</th>
<th>Research Module</th>
<th>Law of Tort</th>
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<tbody>
<tr>
<td>Problem solving</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Communication</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Team working</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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</tr>
<tr>
<td>Adapability, flexibility and resilience</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<td></td>
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<tr>
<td>Business and customer understanding</td>
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<tr>
<td>Application of numeracy and IT</td>
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<td>✓</td>
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<td>✓</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Enterprise</td>
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<tr>
<td>Professional context skills</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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</tbody>
</table>

In addition to the above, students who take the optional GDL Extra and GDL Skills in practice modules have the opportunity to enhance Career Ready skills such as communication, self-motivation, leadership, business and customer understanding, enterprise and professional context skills.